Instructor Clericalis:

DIRECTING

CLERKS

Both in the COURT of

KINGS-BENCH

AND

Common Pleas,

IN THE

Abbreviation and Contraction of Words (and thereby the ready reading of Presidents) in the filling Up and Suing out Writs of First Process, in Drawing Declarations, making up Issues, Ingrossing Records, Entring Judgments and Suing out Executions.

With an APPENDIX of several English Presidents, *&c.*

[By Robert Gardiner]

LONDON,
Printed for *Tho. Bever*, at the *Hand* and *Star* within *Temple-Bar*. 1693.

The Attorney's Clerk's Instructor:

DIRECTING

CLERKS

both in the COURT of

KING'S-BENCH

AND

Common Pleas,

In the Method of

Abbreviating and Contraction of Words (and also the Method of readily reading of Fine-hand) in Writing Up and Using our Writs of Writ Proceß, in Drawing Declarations, making no Blots, Ingrossing Records, Entring Judgments and Suing out Executions.

With an APPENDIX of Several English Precedents.

TO THE READER.

Courteous Reader;

NOtwithstanding the many large Books of Presidents and Directions of Masters, it has been found greatly necessary, and thought very convenient, as well by Young Clerks as others, especially such as are employed in Entries; to have some brief, orderly and plain Manual, to remember and instruct them in such things as may be the Clerkship of

their First Years. Therefore this Treatise hath been Collected, with plain and necessary Directions, agreeable to the Undertaking; not doubting but it may be useful to most, and wishing it may be favourably accepted by all, is the Chief Desire of

May 1. 1693.

Yours, &c.

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Note that in the *Venire Facias* the usual words were, that every Juror should have 40 *l.* of Lands, *&c.* But now by the *Stat.* 4, *&* 5. *W.* *&* *M.* *Cap.* 24. It is Enacted that all Jurors to be returned for Trials of Issues joined in the King's Bench, Common Pleas or Exchequer, or before Justices of Assize or *Nisi Prius*, &c. (other than strangers upon Trials *per medietatem Linguæ*) shall have in their own name, or in Trust for them, within the same County 10 *l.* *per Ann.* and in *Wales* 6 *l.* at the least. And if any of a lesser value shall be returned, it shall be a good cause of Challenge, *&c.* Therefore the Writ must run Quod, quilibet habeat Decem Libras Terræ Tenementi, vel redditus per annum ad minus, &c. If the Sheriff or other Officer or Minister shall return such as are not of such worth, he shall forfeit respectively 5 *l.* to their Majesties for every person.

If he returns any person to be summoned, unless he was duly summoned six days before

before the day of Appearance, or take any Reward to excuse his Appearance, he shall forfeit 10 *l.* to their Majesties.

Saving to all Cities, Boroughs and Towns Corporate their ancient usage.

Tales Men need to have but 5 *l. per Ann.* in *England* and in *Wales* 3 *l.*

Such Officer as takes Reward for returning of any Tales forfeits for every Offence 10 *l.* one moyety to the Prosecutor, the other to their Majesties.

No Writ De non ponendis in Assisa or Jurata to be granted, unless upon Oath that the suggestions be true.

This Act to continue from 18 *May* 1693, for 3 years, and to the end of the next Session.

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Delivering Declarations.

Declarations heretofore delivered by the Plaintiffs Attorney to the Defendants. But formerly when the Defendant was committed to Goal for want of Bail, unless the Plaintiff before the end of the Term next after the Arrest, did cause the Defendant to be removed by *Habeas Corpus* to be charged in Court, the Prisoner upon Common Bail, or appearance of Attorney was discharged from Imprisonment, to the Plaintiffs prejudice.

Therefore by *Stat. 4. and 5. Gul. & Ma. Cap. 21.* It is Enacted, That where the Defendant is taken or charged in Custody upon any Writ, out of any of the Courts at *Westminster*, and imprisoned for want of Bail or Common Appearance, The Plaintiff before the end of the next Term after the Writ is returnable, may declare against the Prisoner in the proper Court, and may cause a Copy thereof to be

be delivered to the Prisoner, or to the Goaler or Keeper, to which Declaration the Prisoner shall appear and plead, or otherwise the Plaintiff shall have Judgment in such manner, as if the Prisoner had appeared in Court and refused to answer or plead to such Declaration.

That in all Declarations against any Prisoner upon King's Bench Process; It shall be alledged in Custody of what Sheriff, Bailiff or Steward of any Franchise, or other Person having the Return and Execution of Writs, such Prisoner shall be at the time of such Declaration by virtue of the Process of the said Court at the suit of the Plaintiff, which Allegation shall be as good and effectual as if such Prisoner were in custody of the Marshal of the *Marshalsea*, &c.

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IN

INSTRUCTIONS
For Young Clerks.

THE first thing requisite for a Young Clerk, is to learn to Write Well; especially to understand the true Breaks and Proportions of Secretary and Court Hands; by the knowing whereof, he will easily fall into the Cursory or Running Hands.

He may in the next place use himself to read Writs, Declarations, and Pleadings in Court Hand, and endeavour to know the Abbreviations of Syllables, and Contractions of Words, for he will meet with very many of these in Writs and Pleadings; and not being used to them,

will be hard put to it, to know what to call them, and that perhaps when he ſhall be put to read them openly.

It is accounted alſo very commendable to abbreviate and contract Words, *&c.* and to daſh and turn them up Clerk-like; for which there is no fixt Rule, but muſt be gathered by Obſervation, and Imitation of the beſt Clerks; in which the Clerks of the Common Pleas are moſt preciſe, and think they have the preheminence. And tho theſe cannot be truly deſcribed in any other but the Court Hand; yet that you may know the Method of them, I have hereafter put down moſt of thoſe words you will meet with, either Abbreviated or Contracted; not ſo much for your Imitation, as for Inſtruction readily to read them.

See ſome of their directions in page 16.

And firſt obſerve, that theſe Syllables following are uſually abbreviated at the beginning and middle of Words. And ſometimes at the end.

Abbr

Abbreviations of Syllables and Words.

ber, bre, b.	rer r	ner n	gra g	pra p
ber b	per, par p	pra p	bra b	
ber] as Gilbertus Gilbertus libertas	cer] certus certus incertum	mer] mercator mercatur	ner] dubitat dubitare	gra] gratis gratis
bar] barganizabit barganizavit	per] penitit peruisse pertinet pertinentijs	mercia] mercimonia mercimonio Etc.	pra] potuit potuisse	and at the end of words as
ver] verberat verberavit Etc.	par] prre parte patus paratus		appbae Etc.	pra] supra supra pra] premissa premissa pdictus, Etc.
				tra] extra extra tnsgre transgressio Etc.

So, ter, in the beginning, middle and latter end of words, as ꝛra terra, mitret mitteret, ꝛbvit ꝛbvitet.

(ur) at the end of words, as ꝗuꝛꝛit ꝗueritur, igitr igitur, &c.

(bus) at the end of words, as quibꝫ quibus, and sometimes in the middle, as quibꝫdam.

Gerunds in (di) (do) and (dum) abbreviated at ꝺ as
- interloquend, for interloquendi,
- immend, for immendo
- habend & tenend, for habendum & tenendum.

Participles in (rus) at ꝛ as
- futur seruitur &c. for seruitus
- futurꝰ duratur for futus.

(um) by ū at the end of words, as hoꝛtū, ſtabulū, meſuagiū, gardinū, &c.

(rum) after (a) (e) (o) by ꝝ as quaꝝ, reꝝ, quoꝝ &c. quarum, rerum, quorum

(us) by ꝰ or ꝯ as
- pꝛipiꝰ pꝛipiꝯ pꝛipius pꝛipius
- pꝛæcipiꝰ pꝛæcipiꝯ pꝛæcipimus mittimus

(quem) by qꝫ, (quam) by qꝑ, (quod) by qꝺ (que) by qꝫ &c.

(tio and tio) by cō, both in the Middle and latter end, as ſubꝺcō ſubꝺerſio, narꝛacō narꝛatio, ſubꝺercōnem, narꝛacōnem, &c.

quem, quam, quod, que, cer, ber, ter, ꝛra, per, pꝛo. mer, ner, ber, us, um, rum, rur, bus, bum, do, &c.

Abbre

Abbreviations and Contractions of Words.

Sometimes Words are abbreviated at a, especially when m follows.

At (a) as una vacca, unam vaccam, &c.
at (b) as nob, bob, Ocab, nobis, vobis, Ocabis, &c.
at (c) as dic, Dic, Judic, tac, Stoc, Franc, dicit, Direcomes, Justiciarius, facias, Stocia, Francia, &c.
at (d) as defend for defendit, respond for respondendum, &c. to pd for predictus, pmnes Cattis.
at (e) as hre for hreve, but this seems to be a Contraction rather, he fa, henire facias.
at (f) as def. for defendens, Nozff. Suff. Nozfolcia, Suffolcia, &c.
at (g) as pleg de pꝛosequend, &c. attng for attingunt, cuſtag, &c.
at (h) as attach for attachiatus.
at (i) as Epꝰ for Epiſcopi, but this ſeems to be a Contraction. Nꝰ Pri, Niſi Prius.
at (l) as Cul. bill. ill. Angl. final, Capital, for Culpabilis billa, illo modis, Capitalis, &c.
at (m) as Dclm for Declaraverim, ſumd for ſummonitus.

at (m) as ven̄, Attorn̄ for venit Attornatum, &c.
at (n) as pō lō mō, ponit loco filio.
at (p) as ſup̄ for ſuper.
at (q) as cumq; for cumque.
at (r) as ꝓpr for ꝓpria, Cur̄, injur̄, futur̄, &c.
at (s) as Cons for Conſideratum, p̄miſs for p̄miſſa.
at (t) as requiſit for requiſitus, p̄fat for p̄fatus, &c.
at (u) as Aurid, Argentid, Denarid, &c.
at (r') as pr' for p̄rimus, & omnes Caſus.
at (p') as P' for Peoman.
at (z') as mchandiz for merchandize, &c.

Note, 'tis ſaid a Word which is written ſhort or abbreviated without a Daſh is not good, becauſe the Daſh or Turning up of a Stroke, is the general mark to diſtinguiſh an abbreviated word from a word at length. Styles Pract Reg pag 351.

Proper Names Abbreviated and Contracted.

Abrus for Abrahamus, ſo Abr̄, Abr̄o, Abrm &c.
Alexr̄ for Alexander, ſo Alexrd, Alexr Alexrm.
Andr for Andreas omnes Caſus.

Anthus for Anthonius, so Anthi, Antho, Anthum.

Bapta for Baptista, Bapte for Baptiste, &c.

Barthus for Bartholomeus, so Barthi, Bartho, Barthum.

Benjamin for Benjaminus, p omnes Casus.

Benedcus for Benedictus, Benedci, Benedco, Benedcum, &c.

X'poferus for Christopherus, so X'poferi, X'pofero, X'poferum.

David p omnes Casus, and so of other Hebrew Names.

Edus for Edmundus, so Edi, Edo, Edum.

Edzus for Edvardus, so Edzi, Edzo, Edzum.

Ephzaim in oibz.

Elizabeth for Elizabetha in oibz.

Francus for Franciscus, Franci, Franco, Francum.

Galfrus for Galfridus, Galfri, Galfro, Galfrum.

Gilbtus so Gilbti, &c. bet being contracted in the middle in most words.

Godfrus for Godfridus, so Godfri, Godfro, Godfrum.

Humphzus, or Humfrus for Humfridus, so Humfri, Humfro, Humfrum.

Jobes for Johannes, so Jobis, Jobi, Jobem.

Michis for Michaelis, so Michi, Michum.

Nicus for Nicholaus, Nicol, Nicho, Nichum.

Phus for Philippus, Phil, Pho, Philum.

Ricus for Ricardus, Ricd, Richd, Richm.

Robtus for Robertus, Robt, Robto, Robtum.

Stephus for Stephanus, Stephi, Stepho, Stephum.

Walterus for Walterus.

Willus for Gulielmus or Guillelmus, Willi, Willo, Willum.

Wilfrus for Wilfridus, Wilfri Wilfro, Wilfrum, &c.

Common Words Contracted or Abbreviated.

Abbia for Abbatia, so Abbie Abbiam, &c.

Ads for Ad Sectam.

Alat for Alimarum.

Als for Alias.

Archus for Archangelus, Archi, Archo, Archum, &c.

Archipus for Archiepiscopus, Archipi, Archipo &c.

Appar for Apparitor, p omnes Casus.

Ar for Armiger, p omnes.

Alia Alisa, Alias Allas.

Bar Barometrus, p omnes.

Bill Billa, &c. p omnes.

Bon bonus, &c. p omnes.

Cler Clericus, Clici, Clico, Clicum.

Clm Clausum, cli, clo, cla, clis.

Com communis, cor, coem, cors, cors.

Compund, compundum, compd, compos, compis.

Cons for consideratio, consuetudo, consideratum, &c. which is doubtful.

Cord cordium, crd, crs.

Cons for continuatio & continens, continuendo, doubtful.

Cur Curia, p omnes Casus.

Dns Dominus, Dnd, Dno, Dnm, Dnō, Dnis, Dns.

Deus

Deus dignus, ded, ded, deś, dend, deand,
ded, deoꝛd, &c. deis.
Debuin debituin debi, deho, deha, heboll,
debis.
Def. Defendens, Defitis, Defes, Defrem,
&c.
Defeus defectus, defcm, defu,
Dileus dilectus, dilci, dilco, dilem,
Dineo Dominico, Dineum, Dnico,
&c. ꝑ Dineū suo ut de deoba.
Eccliā Ecclesia, Eccliē, Eccliam, &c.
Effeus effectus, effcm, effeu, &c.
Eis eidem.
Eraiāt examinatur
Exepoic extrapositus, ꝑ omnes Casus.
Exes ꝑ Exercitꝰ & Exercitio, which is
doubtful.
Fcus factus, fcꝰ, fcō, fcm, factum, fca,
fcoꝛd, fcis.
Flus falsus, fli flo, flum, fla, floꝛd, flis.
Feod feodus, ꝑ omnes Casus.
Fris Fratris, frem, fre fres, frum,
fribus.
Gavis gavisus, per omnes Casus.
Gen Generosus, ꝑ omnes Casus.
Gendral gendalis, per omnes Casus.
gtis gratis.
Grā gratia.
Yeaē habeas, bet, habet, heus habens,
hent habent, heny habendum,
here habere, huit habuit.

Voices

Hoies homines, hois hominis.
Humod hujusmodi.
Ibm ibidem.
Ideo.
Ipe ipse, ipmd ipsum.
Incrm incrementum.
Ingrius ingressus.
Imppmd imperpetuo.
Instanc instancia, p omnes Casus.
Iur Jurator, p omnes Casus.
Justic Justiciarius, p omnes Casus.
Lat Latitat, &c.
Legtis legatis, legte legale, legtia, legtium, legtibe.
Libe libere, libtas libertas.
Licet licerer.
Lttime legittime.
L'ra litera, lre, lram, lras, lras, lris.
Mia misericordia, Et pd Dek. in mis, &c.
Mie minime,
Mill'mo millesimo, &c.
Mag' Magister.
Marr Marete, Maretchallus Maretchalsie, custos Marr Marete, &c.
Mobos mobodeter, Dic Mobos latum.
Mis Mis, p mis & cuitat suis, &c.
Narr narratio, p omnes Casus.
Natis narratis, natie, &c.
Nob nobis.

Nr̃ noster, nrꝝ nostri, nrm nostrum.
Nōen nomen, nois nominis, noie nomine.
Nōiatī nominatur.
nup nuper.
nunqm nunquam.
Omes omnes, omis, omi, omem, oia omiũ, oibꝫ.
Omio or omio omnino.
omiõ omnimodum.
Omitt omittas, &c.
pp̃tuũ perpetuũ.
Pria Patria, Pr̃i, Pr̃em.
Prid for Patria, Priam.
p̃ predictus, p omnes Calus.
p̃tie p̃teritus, p omnes Calus.
Plitm placitum, pliti, plito, plitꝰ, plitoꝝ, plitis.
pr̃ prorimus, p omnes Calus.
p̃ postea.
ppr propꝛius, &c. p omnes Calus.
ppr̃ propter.
Pleg de p̃s Plegii de prosequendo.
ptin̄ pertinens, pertinentia, &c.
P̃ lō suo ponit loco sio, as in a Warrant of Attorney.
Parl Parliamentum, &c. p omnes Calus.
qm quam, the Conjunction proper, but is used indifferently.
Quer querens, p omnes Calus.
Querel querela, p omnes Calus.

Ad for quod the Conjunction, but quod the Adjective is longer rather, but it is used indifferently, but not properly.

Ad recogn ad recognoscendum, &c qui hic, &c. ad recogn. &c. quia nisi, &c.

Relpcus relpectu, relpexi, relpectum, &c.

Rs, Rnd, Rne.

Rönabilis rationabilis, rationem, &c.

Sacrm Sacramentum, Sacri, Sacro, Sacra, &c.

Saltm salutem,

Scus Sanctus, Sci Sancti, Sco, Scm, Scō, Scis.

Scdus secundus, scdi, scdo, scdm, &c.

Scilt scilicet.

Scium Scacarium, Scij Scacarij &c.

Sile simile, silis, sili, silē similiter,

Spificae Specificatus, p omnes Casus.

Supdcus supradictus, &c.

Suppoie suppositus, p omnes Casus.

Summ summonitus, summ fuit ad respondend.

Spialis

Note, there are no Dipthongs used in Law Pleadings.

Number.

Note, is reckoned more Clerk-like to write all Summs and Figures, till past Five in length, as primo, secundo, &c. but after Five in Numeral Figures, as VI. But this is meant as to Presidents, Teste of Writs, and such things as are not of Record, for there all Summs

I.	I	XIV.	
II.	II	XV.	
III.	III	XVI.	
IV.	IV	XVII.	
V.	V	XVIII.	MDC. 1600
VI.	VI	XIX.	MDCxcii. 1692
VII.	VII	XX.	
VIII.	VIII	XXX.	
IX.	IX	XL.	
X.	X	XLI.	
XI.	XI	XLII.	
XII.	XII	XLIII.	
XIII.	XIII	XLIV.	

To dash a Letter, as thus, b, is to make it a Capital, as in the beginning of Words, or Proper Names, as Vowels, in words either in the middle or end of words, where they are Contra-Hand, to be read for Abbreviation, through middle

I have

I have the rather set down these words, because you may meet with them and many more thus Abbreviated and Contracted, especially in the business of the King's Bench, who are not so nice and exact as those of the Common Pleas, who have some Rules for their Writing, who generally write fairer and with much less Abbreviations or Contractions than the King's Bench.

As for Example, If words have but five minums at the end, as cum, dum, tantum, modum, nondum, to write them at length. If above five minums, then to turn up the last, as und, incipiū, mesuagiū, cotagiū &c.

So where words have above five minums in the middle, to use a dash over instead of them, as for inimunis write inmunis, for commodum comodum.

To use a round U or V Consonant in the beginning of words, and also before Vowels in words, either in Secretary or Court-Hand, for the reader distinguish it from an n, as vhavit, vulnavit, plovmavit, pimplevit; and not nhaunt, nulnauit, plozmauit, pimpleuit.

To dash the Letters b, h, and l in the middle or end of words, where they are used for Abbreviation, through middle thus, ꝺ ber, as Robtus, ꝺ here, ſ videl

Ang

Angl, &c. (except the Nominative Cases of Hebrew Names ending in l, as Abel, Daniel, Gabriel, &c. and all Sirnames ending in double ll, as Bell, Flavell, &c.)

Where words are in both the Singular and Plural Number, to write the same at length, as Justiciarius & Justiciarii, and not Justic for both; so Assignatus & Assignati, Assignee & Assignees, and not Assign for both.

To write existens tenens, and the like, at length for the Nominative Case, and not existen tenen, &c.

To write all Towns and Sirnames at length, as Milverton, Culpeper, not Milton, Culpep; and not to use p for par, as pochia for parochia, ptes for partes, and the like.

Also not to abbreviate words, whose Nominative Case ends in tio or cio, at the n, for other of its Cases, as narracon for narracōnis, narracioni narrationem, assumcon for assumcōnis, &c. but to write them at length, dashing up the co.

A

The Clerks of the King's Bench and Common Pleas differ also in their Forms, as follows, *viz.*

King's Bench Forms.

APud London, Videlt in Paroch̄ bte Marie de Arcub̄ in Warda de Cheap London.

Anno Regni Dnō & Dnē Willi & Marie nunc Regis & Regine Angl, &c. quarto.

Unde petit Judicium si p̄d Quer accōnem suam p̄d inde ꝑfus eum here seu manutenere debeat, &c.

Quoad Venire Vi & Armis seu quicquid quod est contra pacem dicit Dnō Regis & Dnē Regine nunc dic qd ipe non est inde Culpabilis.

Et de hoc pon se sup Pziam Et p̄d Quer silic, &c. Jō ven inde

Common Pleas Forms.

APud London in Parochia de Marie de arcubus in Warda de Cheap.

Anno Regni Dni Regis & Dnō Regine nunc quarto.

Unde per Judicium, si p̄dict Quer Accōnem suam p̄dcām versus eum here debeat, &c.

Quoad venire vi & armis dic qd ipe in nullo est inde culpabilis put p̄d Quer sup̄ us vers eū queritr.

Et de hoc pon se sup Pziam Et p̄d Quer silic Jō precep est Vic

Ju

Jur̃ coꝛam Dñó Regꝫ & Dñā Regina apud Westm̃ die mcurij pꝛx̃ post tres septiãnas Sc̃e Trinitatis Et qui nec, &c. ad recogñ, &c. quia tm̃, &c. idem dies dat̃ est partib⁹ p̃dict̃, &c.

If the Plaintiff take Issue, then

Et hoc pet̃ qꝺ̃ inquirat̃ p̃ Priam̃ Et p̃ Def. fiat̃ Jꝺ̃ vend̃ inde Jur, &c. as above.

Et preas ipi tunc hoc dze.

Cepit & asportavit.

Decimo tertio, decimo quarto, decimo quinto, decimo sexto, &c.

Septendecim, octodecim, novemdecim,

Westuagiñ, Cottagiñ, Sigillar.

Et alia Enormia ei intulit contra pacem dicc Dñi Regis & Dñe Regine nunc; ad dam-

If the Plt take Issue, then

Et hoc pet̃ qꝺ̃ inquirat̃ p̃ Priam̃ Et p̃ Def. fiat̃ Jꝺ̃ pꝛecepe est Vic, &c. as above.

Et preas ipi hoc dze.

Cepit & asportavit.

Tercio decimo, quarto decimo, quinto decimo, sexto decimo.

Decem & septem, decem & octo, decem & novem.

Westuagiñ, Cotagiñ, Signac.

Et alia Enormia ei intulit ad grave Dampnum ipius Quer Et contra pacem Dñi Re-

quid juius. Quer de rem Libzat. Et inde pduc sectam, &c.

gis & Dnō Regine nunc, &c. and at the latter end of a Declaration. Et alia Enormia, &c. Ad grave dampnum, &c. Et contra patem, &c. Unde dic q̄ deteriozat est Et dampnū ber ad Valenciam decem libr Et inde pduc Sectam, &c.

Note, the Curſitors in the Teſtes of their Writs, write primo, ſecō, tercio, quarto, quinto die, in words, afterwards in Numeral Figures, as VI. VII. VIII. IX. X. XI. die, &c. without an i over them, and not VI^o. &c. and the year of the King and Queens Reign at length; alſo they write XV. for quindecim, without cim over it; and this by ſome Clerks of the Common Pleas is ſaid to be the beſt order, and adviſe the reſt to conform to it as near as may be, the Curſitors Writs being the Foundation of Actions.

But upon what Reaſons theſe Differences are thus obſerved, and continued betwixt theſe two Courts, I leave to the Judicious.

There are alſo other Contractions of Engliſh Words, as Adm^ni^. Adminiſtrators, ag^t^. againſt, Aſs^t^. Aſſignes, Bpp Biſhop, Com^rs^. Commiſſioners, D^r^. Doctor, Eſq^r^. Eſquire, Exec^ors^. Executors, Hon^ble^. Honourable, H^d^. Honoured, Indre Indenture, Ld Lord, Lps Lordſhips, Ltr Letter, Mdū Memorandum, M^r^. Maſter, M^rs^. Miſtreſs, Ma^tie^. Majeſty, obd^t^. obedient, pd paid, Q^er^. Quarter, S^r^. Sir, Serv^t^. Servant, S^t^. Saint, y^t^. then, y^e^. the, y^t^. that y^r^. your, wp^ll^. worſhipful.

Jan. January, *Feb. February*, *Apr. April*, *Aug. Auguſt*, 7^ber^. *September*, 8^ber^. *October*, 9^ber^. *November*, 10^ber^. *December*.

Thirty days hath *September*,
April, *June* and *November*;
† *February* hath twenty eight alone,
And all the reſt have thitry and one.

† Except in leap-year it hath 29.

A mark made in the manner following, *viz.* ʌ (which is to ſhew where a Clauſe or Word left out and interlined in Writing ſhould come in) is called a Tra, and ſeems to be derived from the Latin Word Trahere, to draw, becauſe by it the words left out are ſignified to be there (where 'tis placed) drawn into the Writing.

The First Part of the Young Clerks time will be imployed in filling up Writs, copying Declarations, making up Issues, ingrossing Records and Entries, entring up Judgments, and making out Executions; in which no doubt but his Master will instruct him; however he may many times in his absence want some help, and be put to it to perform his Clerkship; therefore if it so happen, he may make use of such Directions and Forms as he shall herein find to his purpose.

I. In

1. In the King's Bench.

Making out First Process.

How to make out Process to Arrest, &c.

THE Leading Process in the King's Bench, is a Bill of *Middlesex*, or a *Latitat*.

If the Defendant live in *Middlesex*, then the Bill is to be the First Process; but if he live in any other County, then you must make out a *Latitat*, which also supposes that a Bill of *Middlesex* was first sued out against the Party, and so makes the Bill of *Middlesex* to be in the Nature of an Original to the *Latitat*. The Forms whereof follow.

The Form of the Bill of *Middlesex*.

Middx ss.

Precipe est Die Sancti Martini A. B. late &c. You may put 4 Def. in one such Writ.
Et cum salvo, &c. ita quod sit coram nobis
ejus coram Dno Rege & Dna Regina apud

apud Westm die pr' post
[the day of the Return
ad respondend C. D. de Plito trespi &
beat ibi tunc hoc Precepe.

p Bill. Holt and Coleman

But if the Action requires good Bail
as for 10 pounds Debt or upwards
Then after the Words De placito
trespi, you must add

* Or 15, 16, 20, 30, 40 l. and the like according as the sum is.

Ac etiam Bille ipius C. D. alias pla
A. B. p̄o decem * Libris de debo lesio
Cons Cur ipor. Und Regis & Dnō Re
gine coram ipis Rege & Regina exhi
bend Et heat, &c. (ut supra.)

Or if there be any other special Cause
for Bayl, it must be added with ac
etiam Bille, for Trespass only will
not hold the Def. to Bail. As

If for Trespass and taking away Goods, say

p captone & asportacone Bonor. &
Catallor. ipius C. ad dampna 10
lesim. &c.

In Detinue,

p detencone Bonor. & Catallor. ipius
C. ad Valenc 40 l. lesim, &c.

In Trover,

p conversione & disposicone Bonor. &
Catallor. ipius C. D. ad Valenc 50 l.

In Covenant,
p fracc̃one Convencon Ad dampnū ipius C. 60 l. scom, &c.
Promise,
Acciam Bill ipius C. dsus plac A. p £ l. p non pformation promission & assumption ipius A. scom, &c. (vel sic) p̄o fracc̃on p̄mission & assumpcon ad dampnū ipius C. 20 l. (vel sic) p 20 l. sup Assumps. and by this means the Sheriff can take Bayl accordingly. But in case the Cause of Action is for words, or Ejectment, or Trespass only, no special Bayl is required.

Having made your Bills of *Middlesex* on a piece of Parchment, (but you may buy Blanks ready for filling up) you must also make a Note on Paper, which you are to carry with your Writ unto the Office when you get such Writ signed: In this manner,

m
Middx ss. Bill p C. D. ℔ A. B. ret Mercurij pr' post quindē Pasch.

Pleadwell.

If it require Bayl, you must mark the Paper Note with a B. over the Def. Christian Name, and an M. over his Surname, and a stroke under both, as you see above.

B. Manucaptores or good Bayl.

The

The Bill is to be ſigned at the Bill of *Middleſex* Office (which is now in *Clement*'s Inn) and the Note to be left there; for which Signing you pay in the Term time 1 s. in the Vacation 1 s. 4 d.

A Special Warrant is 2 s. 4 d.

Upon this Bill you muſt have a Warrant at the Sheriffs of *Middleſex* Office, which coſts 4 d. If the Defendant be not taken upon the firſt Bill, you may make an *alias*; and if not upon that, then a *plures*; only ſaying, Præcept eſt Vic ſicut alias (or plures) ſibi præc ſum qd capiat, &c. as before.

The Form of a *Latitat*.

WIllus & Maria Dei Gra Ang Scot Franc & Hibnie Rex & Re gina Fidei Defenſor, &c. Vic Somerſet ſaltem Cu Vic nro Middx mand ſu pimus qd capiat C. D & E. F. ſi invene ſu iſſent in Ballia ſua eos ſalvo cuſtod ita q habeat corpora eor. cora nobis apud Weſtm ad ce tum diem jam preterit ad reſpon dend A. B. de plito trſgr, aceria ſepa

You may put 4 Defendants in one Writ; but if there be but one Defendant, and your Blank is made in the Plural Number, you may put in *John Doe* or *Richard Roe* as a Defendant, but take no notice of them in their Note for the Office.

separ Bill ipius A. versus pfat C. & E. pro decem Libris de debito sedm Cons Cur nre coram Nobis exhibendi Deuscp Vic nr Midds ad diem illi nobis retorn Qd pd C. & E. non sunt inuene in Ballia sua sup quo ex parte pd A. in Cur nra coram Nobis sufficiens testat est Qd pd C. & E. latie & discurr in Com tuo Jd tibi precipimus qd capias eos si inuene fuerint in Ballia tua & eos salvo custod ita qd habeas corpora coram nobis apud Westm die Mercurii pr' post quindenam Paschæ ad respondend pfat A. de plito & Bill pd Et habeas ibi tunc hoc Breve Teste J. Holt Mil apud Westm 13°. die Februarij Anno Regni Regis nri Guilielmi Quinto.

Holt and Colman.

If it be only in Trespass, you must leave out the *Accetiam*, otherwise you must put in it as is before directed in a Bill of *Middlesex*.

If the County have two Sheriffs, it must be Com' *v'ro' & p' vobis precipim's*, and so the rest in the Plural Number.

See the Direction for Returns.

If it be against several Defendants for several unequal Summs, then it must be *ac etiam Bill' ipsius N. v' p'fat' Job'em p' Libris & v'sus p'fat' Rp' Libris de deb'to scdm', &c.* But if the several sums be alike, you say (as above) *ac etiam sep'al' bill' ipsius, (&c.)* observe more after.

You must make a Note on Paper in Court hand, for the Office, thus,

Surrey

b m
Soms ſ. Ad p A. B. ſius C. D.

b m
& C. F. rec ſecurij pr' poſt quindew Paſch.

Pleadwell.

marking it as above, if the Cauſe require Bayl.

The *Latitat* filled up, you carry it with the Note to the King's Bench Office in the Temple, where your *Latitat* muſt be ſigned, for which you pay 2 *s.* 6 *d.* and you muſt leave the Note with the Signer; and if it be in the Vacation, you muſt alſo enter the ſame in the * Office Book, as you will ſee others there entred.

* This Entry is not uſed of late.

Being ſigned, you carry it to the Seal-Office (which is now in *Caſtle Yard* near *Holborn Bars*;) and he who Seals for the King's Bench, will Seal it, and Stamp the day on the Back, for which you pay 7 *d.*

The next thing is to get a Warrant upon it from the Sheriff of the County.

If the Defendant cannot be Arreſted upon the *Latitat*, you may ſue out an *Alias Capias*, and if not taken upon that, then a *Plures Capias*. The

The Form of an *Alias Capias.*

WIllus ℔ Gracia Dei &c. Angl Scot Franc ℔ Hibnie Rex ℔ Regina Fidei Defens, &c. Vic Sals saltem precipimus tibi sicut alias tibi precepimus Qd capias C. D. ℔ E. F. si inuenc sume in ballia tua ℔ eos salvo custod ita qd habeas corpora eor coram nobis apud Westm die pr' post

Ad respond A. B. de plito transgr Accciam separabilit ipius A. plus plac C. ℔ E. pro decem Libris vc debo sicm Cons Cur nre coram nobis exhibend Et habeas ibi tunc hoc brc T. J. Holt Mil apud Westm die Anno rnd nrd.

Holt and Colman.

If the Writ be made out in Term time, then make the *Teste* thereof the first day of the Term, but if be made out in the Vacation, then make the *Teste* thereof the last day of the precedent Term.

The *Pluries Capias* is the same with the *Alias*, only saying, precipimus tibi sicut pluries tibi precepimus, &c.

You must make a Note for the Office as for the *Latitat*, viz.

Sands ff. Als p A. B. ℔ C. D. ℔ E. F.

t die pr' post

Pleadwell.

The

The *Alias* and *Pluries Capias* must be signed at the King's Bench Office (for which you pay no Fee or Duty) and must be entred in the Book, if in the Vacation; but you must either find out the *Latitat* upon the Roll in the Office, or else bring down your Masters Book, to satisfie the Signer, that a *Latitat* hath been sued out before, or else he will not sign the *Alias* or *Pluries Cap.*

* This Entry is not used of late.

After your *alias* or *pluries* is signed, you get them Sealed, as above, and pay 7 *d.* for each.

Note you may continue your *Pluries Capias* from Term to Term, until the Def. be Arrested; but observe, That if the *Latitat* was not renewed within Five Terms after it was taken out, then you cannot renew it by *Alias* or *Pluries*; but must sue out a New *Latitat*.

When there are 3 or 4 Defendants in one Writ, and some of them Special and some not, as if your Directions be for a Bill or *Latitat* for A. B. against C. D. & de debo C. F. in Trespas &c. & [illegible] fur assumcon J. K. & conversion & al' poztacon Bonorum & Catallorum al' dampnu 100 l.

Then after the words de placito tra[illegible] you say Accept Bill ipius A. B. [illegible] plac C. D. & decem Libris de debo & [illegible] versus

versus pfat G. H. p septendecim Libris decem solid & octo Denar sup assumptionem ac alius pfat J. K. p conversion & aspportation Bonor & Catallor ipius A. ad dampnum Centum Librarum ſcim Cons Cur ure coram nobis exhibend (&c.)

If two of the Summs be alike in Debt or on Promiſe, as A. B against C. D and E. F. p 40 l. Debt, and G. H. in Treſpaſs.

Then ſay ateciam ſepal * bille ipius A. B alius pfat C. D. & E. F. p quadraginta Libris de Debo ſcim Cons, as before, and ſo it is be sup assumpcionem or the like.

* The uſual words in this Caſe are (tho perhaps not ſo properly) Ac etiam Bill ipius A. alius pfat C. D. & E. F. p 40 l. de Debo (or sup Assi) ſepatim ſcim, &c.

Note If any of your Defendants live within a Liberty where the Sheriff may not enter, you muſt get the Sheriff to direct his Warrant on your Writ to the Bayliff of ſuch Liberty, who may execute it; but if the Bayliff of ſuch Liberty do not execute it, then you muſt at the Return of your Writ, get the Sheriffs to return a Mandavi Ballivo thereon, and thereupon you may make out a Writ called a

Non

Non Omittas, and upon that Writ the Sheriffs Officers may upon the Sheriffs Warrant, made out thereon, enter and execute the Warrant within such Liberty.

The Form of the *Non Omittas.*

Willus & Maria (&c.) Vic Com salem precipimus tibi Qd non omittas propter aliquam Libertatem in Com tuo Quin Capias C.D. & E.F. &c. as in an Alias Capias.

And note the usual Practice in such case is, if the Deft dwells in the Country, to send down a Non Omittas with the Latitat for dispatch.

Of the Four Terms, and of the Returns for Writs in Banco Regis.

Michaelmas Term. Three days after *Michaelmas* Day, is the Essoyn day of *Michaelmas* Term; and the fourth day after inclusive is the First Day of the Term, which is always the Three and Twentieth Day of *October*, if it be not *Sunday*, but if *Sunday*, then the Four and Twentieth; and endeth the Eight and Twentieth of *November*, if not *Sunday*, and if *Sunday*, then the Nine and Twentieth.

Hil

Hilary Term beginneth the 23d Day of *January*, if not *Sunday*. But more exactly that day Eight Weeks in which *Michaelmas* Term ended: Its Essoyn day being *Jan.* 30. and endeth the twelfth day of *February*, if not *Sunday*, &c. being always the same day of the Week that *Michaelmas* Term began. *Hilary Term.*

Easter Term beginneth the *Wednesday* fortnight after *Easter* day; its Essoyn day being *Sunday* before, but held on *Monday*, (and therefore called the Essoyn day) and ends on *Munday* before *Whitsunday*. *Easter Term.*

Trinity Term beginneth the *Friday* after *Trinity Sunday*, being the same day of that month on which *Easter* day fell on in its month; its Essoyn day being *Monday* before (for *Thursday* being *Corpus Christi*, its pretermitted) and ends on *Wednesday* fornight after the Term beginneth. *Trinity Term.*

Michaelmas Term contains Weeks and days, and hath its Returns

1. A die Scī Michis in tres Septianas
2. A die Scī Michis in unū Mensem.
3. In Crastino Animarum.
4. In Crō Scī Martini.
5. In Octab Scī Martini.
6. A die Scī Martini in quindecim dies.

In the Com. Pleas and upon all Writs Returnable Ut cunq; But in the King's Bench upon Latitat als plus ultra, &c. fay

Die (June) pr' post Scī Michis.
Die (Sabti) pr' post Scī Michis
Die (Sabti) pr' post Crastinū Animarum
Die (June) pr' post Scī Martini
Die (June) pr' post Octab Scī Martini
Die (June) pr' post Quindecim Scī Martini

mentioning a day certain.

Hilary Term contains Three Compleat Weeks, and hath 4 Returns.

4. In Octab Scī Hillarii.

Die pr' post Octab Scī

Hilary Term contains Three Compleat Weeks, and hath 4 Returns.

1. In Octab. Scti Hillarij.
2. In die Scti Hillarij in Quindenis.
3. In Crast. Purific. Mariæ
4. In Octab. Purific. Mariæ

In Com. Pleas. But in King's Bench in all Writs not returnable ubicunq; say.

Die pr' post Octab Scti Hillary.
Die pr' post Quindenas Scti Hillarij.
Die pr' post Crast. Purificationis Mariæ Virginis.
Die pr' post Octab. Purificationis Mariæ Virginis.

Easter Term contains 3 Weeks and 6 Days and hath 5 Returns.

1. In die Paschæ in quindenis dicti.
2. In die Pasch in tres septimanas.
3. In die Paschæ in unas Mensem.
4. In die Paschæ in quindenas Sepe.
5. In Crast Ascensionis Dni.

In Com. Pleas, but in King's Bench in all Writs not returnable ubicunq; say.

Die pr' post Quindenas Paschæ.
Die pr' post tres Septimanas Paschæ.
Die pr' post Mensem Paschæ.
Die pr' post quindenas Sepe Paschæ.
Die pr' post Crast Ascensionis Dni.

Hilary Term wants one day of Three Weeks, and hath 4 Returns.

1. In Crast. Sce Trinitatis.
2. In Octab. Sce Trinitatis.
3. A die Sce Trin in quindecim dies.
4. A die Sce Trin in tres Septimanas.

In Com. Pleas, but in King's Bench in all Writs not returnable ubicunq; say,

Die Pr' post Crast Sce Trinitatis.
Die Pr' post Octab Sce Trinitatis.
Die Pr' post Quindecim Sce Trin.
Die Pr' post tres Septimanas Sce Trinitatis.

So that the Common Pleas Writs generally are returnable on no day certainly expressed, but only certain Juridic dies, Anno Regni a die Sce Trin in tres Septimanas, &c. Except Writs not by Originals, as Attachments of Priviledge, &c.

And so that the King's Bench Writs are mostly returnable on some certain day of the Week next after some certain return, as die Lune Pr' post tres Septimanas Sce Trinitatis, and the like observe after.

And note further, That all Proceſs both before and after Judgment upon Latitat

titat Alias Plures Bill of Middx. Di-
stringas, Mic. habeas Corp. sur
Capi. Corp. & hens Corpus cum fac. &c. rec
must be returnable [illegible] days certain, and
may be sued upon any day in Term,
which is Dies Juridicus and not any of
the afore mentioned Returns.

And note that the same day of the
week that every Term begins is a sure
day to make Writs returnable upon,
through all the Returns throughout such
Term (except the last Return).

But Dies Dominici, as *Sundays* and
All Saints [illegible] the first and second
of *Nov.* in *Michaelmas* Term, the Feast of
the *Purification* the second of *February* in
Hillary Term, *Ascension* day in *Easter*
Term, and *Midsommer* day in *Trinity*
Term (if it so happens) are not Dies
Juridici in the King's Bench.

Note also if you make your Writs in
the King's Bench returnable upon the
first day of any return, as you may do,
you must also insert the day of the Week
certainly, as Die Jovis in octab. Mich.
vis, die Jovis in Tres Michaelem, &c.
but this is seldom used.

And note further, That all Proces
before and after Judgment upon Ha-

Note also, that the Writs of the King's Bench are retornable ubique, as in Cod Trin ubicunq; Sect Trin ubicunq; &c. and the like are Writs grounded upon Originall out of Chancery, as upon Writs of Error out of the Common Pleas, and the Inferiour Courts: Process to the Outlawry, Retorno habendo, Capias in Withernam, Audita querela, Accedas ad Curiam, and the like.

So generally the Common Pleas Original Writs, Actions are retornable on a Retorn, scilicet Crastino Sct Trin. a die Sct Mich. in tres septimanas, and so all Process and proceedings upon.

But all Writs and Actions, not by Originals, out of Chancery, and proceedings thereupon, as Attachments of Privilege, Bills against Priviledged Persons, Prohibitions, &c. are retornable, and continuances, &c. in crastino, &c. die Sancti in mense Paschæ, die Martis &c. mensem, &c.

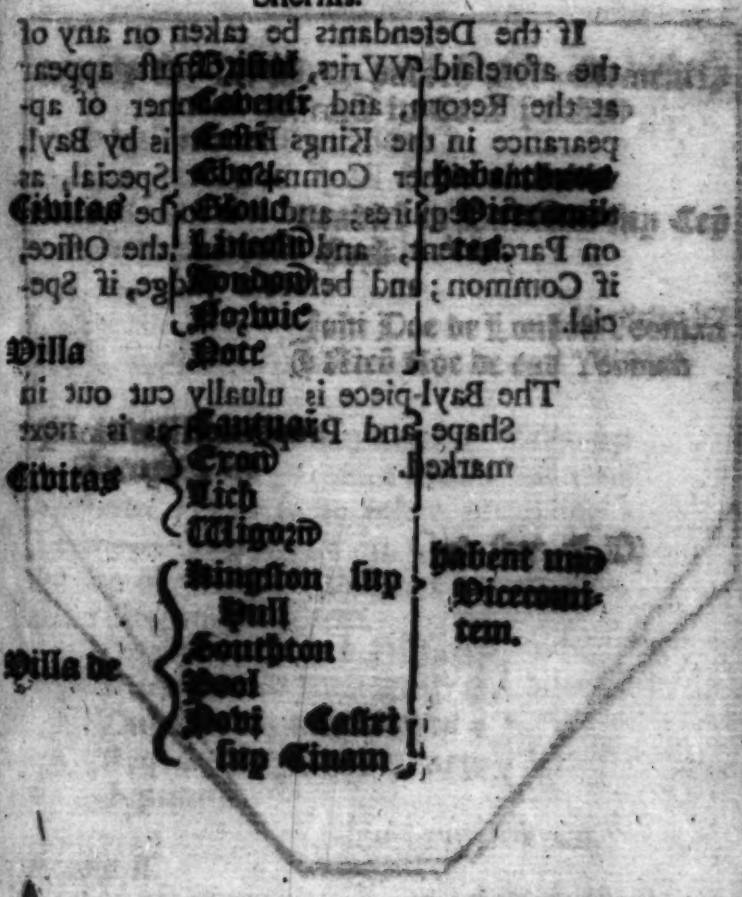
England.

Wales.

Cumbr

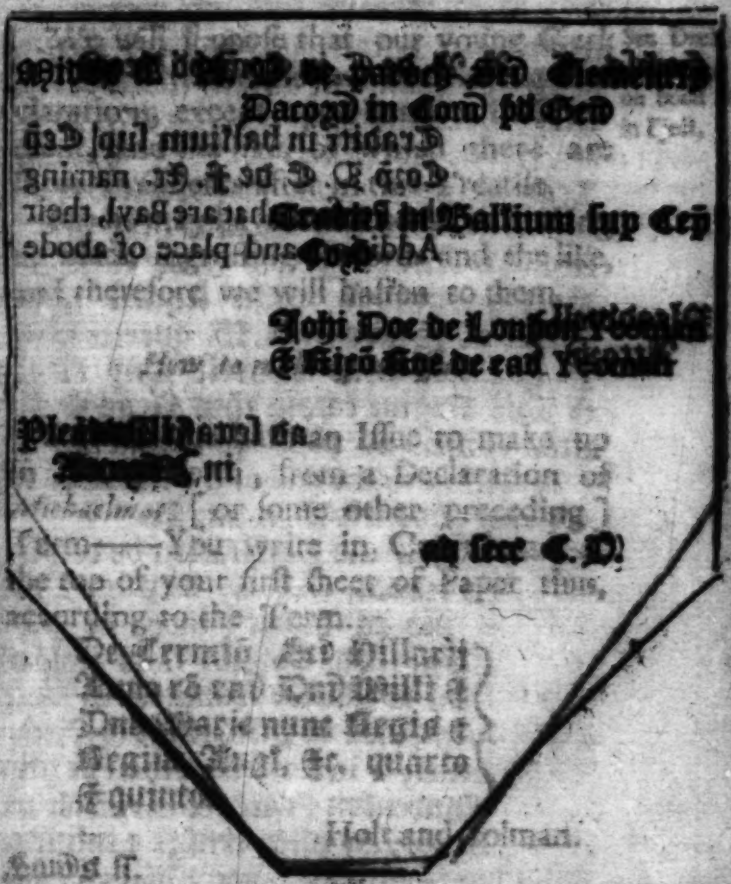
Cardigan Merioneth
Carmarthen Mountgomrie
Carnarvon Pembrock
Denbigh Radnor

Cities and Towns having a Sheriff or Sheriffs.



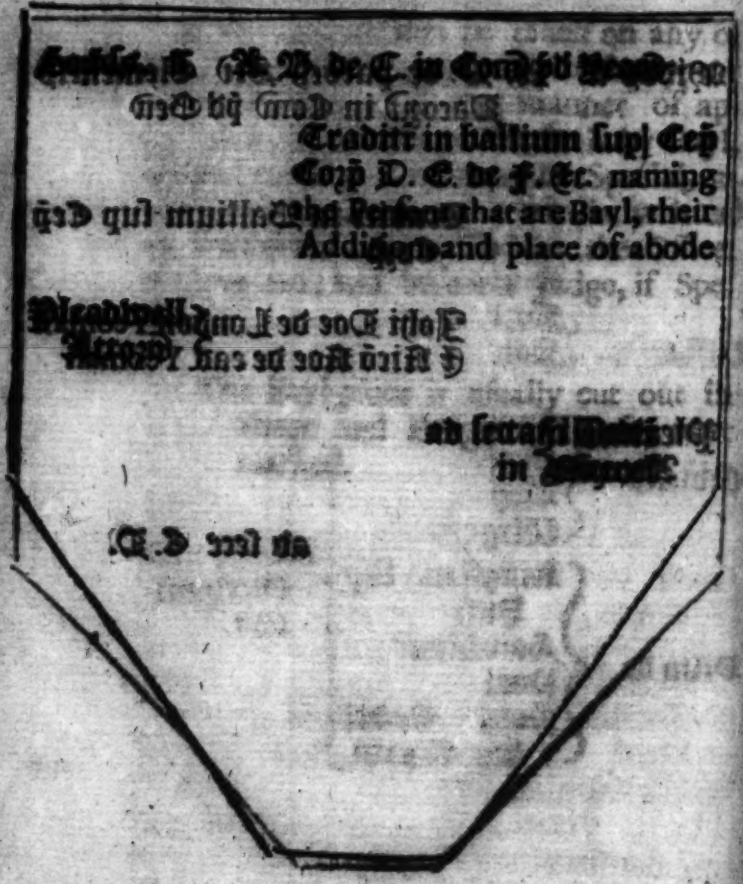
If the Defendants be taken on any of the aforesaid VVrits, they must appear at the Retorn, and the manner of appearance in the Kings Bench is by Bayl, which is either Common or Special, as the Case requires; and it is to be written on Parchment, and filed in the Office, if Common; and before a Judge, if Special.

The Bayl-piece is usually cut out in Shape and Proportion as is next marked.



Note these VVrits, Notes and Bayl-pieces must be in Court-hand.

The Special Bayl-piece is made thus,



A

Memorandum and Issues.

We will suppose that our young Clerk shall be little employed in drawing Declarations, except upon Bond or in Ejectment, and the like, of which there are some Presidents after in this Treatise. See Declaration upon bond & in Eject.

But he may have much to do in making up Issues, ingrossing Records and the like, and therefore we will hasten to them.

How to make up an Issue.

Suppose you have an Issue to make up in *Hillary* Term, from a Declaration of *Michaelmas* [or some other preceding] Term. You write in Court-hand at the top of your first sheet of Paper thus, according to the Term.

De Termino Sancti Hillarii
Anno R. R. Dni Willi &
Dnæ Mariæ nunc Regis &
Reginæ Angl. &c. quarto
& quinto.

Holt and Colman.

Memorandum quòd alias scilt Termino Sancti Hilarii [or Trin. Pasche &c. as the Declaration is of] rule istic coram Dno Rege & Dna Regina apud Westm. Memorandum of another Term.

ven

ben A. B. (naming the Plaintiff in the Declaration) p C. D. (naming Plaintiffs Attorney) Attorn sud, Et protulit hic in Cur vice Dnd Regis & Dnd Regine tunc ibm quandam billam suam versus E. F. (naming the Defendant) in custod Marr, &c. de plito * Debi ‖ Transg, Transg sup Casum, Convencon Fract, &c. as the Case is ‖ Et sunt plegi de pros sequend scilicet Johes Doe & Richus Roe, que quidem Billa sequitur in hec verba ff. Sonds ff. A. B. queritur de E. F. in custod Mar Marescl Dnd Regis & Dnd Regine coram ipis Rege & Regina existen de plito qd reddat ei, &c. (verbatim to the end of the Declaration) Et inde protulit Sectam, &c.

* Note, if the Declaration be de plito qd reddat, then say de plito Debi, if pro eo videtr, then de plito trnsgr sup Casum, if in trespas, then de placito trnsgr, if in Ejectmone, then de plito trnsgr & Ejectionis firme, if in Covenant, then de plito Convencon Fract, &c. in Assult and Battery, de plito trnsgr & insule, &c.

Then beginning a new Line, you must write an Imparlance thus,

Et modo ad hunc diem scil diem Lunæ prox post Octab Sci Hillarii ‖ the first day of the Term also entred ‖ ista

eod

Non Cul.

Non Assumpsit Mil. Debet per Patri. am.

Nor the Issuable Terms are called *Hillary* and *Trinity*, because of joyning Issues in Actions to be tryed at the

Nor that the Defendant is guilty not guilty Non Cul. Trespass.

In Case.

Et dic qd ipe in nullo est inde de ptitis sagnis et inpetie qd ꝓ. supius clm̃ qerit Et de hoc pon se sup ꝑ̃ & &c. (as before)

If the Defendant pleads non Assumpsit, then after the words quando, &c. Et dic qd ipe non assumpsit sup se modo & forma ꝓout iste ꝓ. supius verius eum qderit Et de hoc pon se sup ꝑ̃ and, &c. above.

Non Assumpsit.

Pon est Factum: Quando, &c. Et dicit qd ipe de debo ꝓ̃ virtute scripe obl ꝓ̃ oñari non debet quia dic qd ꝓ̃ scripe Obl ꝓ Pon est factum sub Et de hoc pon se sup ꝑ̃ and Et ꝓ̃ &c. ut in al. Thus is your Issue made up with a Memorandum when the Declaration is of another Term.

But many times the Issue is joyned the same Term the Declaration is of, and then you must enter it thus,

Sonus ss.

Memorand. of the same Term.

Memorandum qd die Lune ꝓx̃ post Octab Scꝯ Hillarij [the first day of that Term the Declaration is of] ista tot Cerciis coram Dño Rege & Dña Regina apud Westm̃ ven (the Plaintiff) ꝓ̃ ꝑ̃ Regnd fuit Et postea ista die in Cur dict Dñi Regis & Dñe Regine

tunc

tunc ibm quandam billam suam versus (the Defendant) in Custod Mar. &c. de plito, (&c.) as in a Memorandum for another Term.

This is the usual way, but more proper to say after Attorn sua Et profert hic in Cur dict Dñi Regis & Dñæ Reginæ nunc hic quandam billam suam (&c.)

Note if the Declaration be past four Terms standing, then you say — Memorand' qd' alt Tertio Anno Regni Dñi Nri & Dñe Nre nunc (naming the Term and Year) to jam, &c.

Note, the Memorandum the same Term with the Declaration hath no Imparlance, but after the Declaration you must enter the Plea thus, (beginning a new Line) Et pdcus (the Defendant) p A. B. Attorn sua ven & Defend vim & injur quando, &c. Et dicit qd ipe non assumpsit — and so on as it is in another which hath no Imparlance.

Having made up your Issue, the next thing is to ingross it as a Record for a Tryal, which is to be done in a Press or Presses of Parchment given out from the Nisi Prius Office for that purpose. *Nisi Prius Office in Grays Inn.*

Note, You must write but on one side of the Press, and if one Press will not

Serve, you must take another begin-
ning near the Top, only leaving a lit-
tle to sew it to the other.

Placita. Rule your Parchment near the Top, and make a Margen of about three parts of an inch, and then write on the first, second or third upper lines in great Text Court Hand thus,

Placita coram Dño Rege & Dña Re-
gina apud Westm de Termino San-
cti Hilarij Anno Regni Dñi nostri
& Dñe Mariæ hujus Regis & Regi-
ne Angl, &c. Quarto & Quinto.

Sonks ff.

Memorandum qd alias scilt Termino
Sci Michis ulc preteriit coram Dño Rege
& Dña Regina apud Westm venit A. B. p C.
D. Attorn suu Et protulit hic in Cur hic
Dñi Regis & Dñe Regine unu Bill
quandam Billam suam versus C. ff.
——— and so on ——— to the end
of your Issue verbatim ——— And
after ——— that ——— leaving
——— about half an Inch di-
stance ——— you must write ———
another Placita ——— in great
Court Hand as a-
bove, viz.

Placita

Prita Cozath, Dño Rege & Dña Regina apud Westm de Termio Sci Hillarij Anno Regni Dñi Will'i & Dñe Marie nunc Regis & Regine Angl', &c. Octavo & Quinto.

And then beginning a New Line, enter a Jurata as follows,

Jurata.

Et C. F. de Marlo remigit, &c. the Attorney [ponit in respectu &c. pro Dño Rege & Dña Regina apud Westm. usq; Diem [the first day of the Term] Scil. ——— Dñi Regis & Dñe Regine ad Assisas in Com. prd tenend. coram Justic. Dñi Regis & Dñe Regine ad Assisas [the day the Assizes are held] apud —— [the place where they are held] virtute Statuti, &c. Dñi Regis & Dñe Regine ad Assisas in Com. prd tenend. coram Justic

Jurata in London.

Thus is your Record ready for Sealing, and you may cut off the remaining Parchment within an inch from the last line. But note, if your Cause is to be tried in London, your Jurata must be after this manner, *viz.*

London ſſ.

Jur' inr A. B. & Attorn' ſuū Quer' Et C. D. de plito trſpꝫ [as the Action is] ponit' in reſpect' coꝫam Dño Rege & Dña Regina apud Weſtm' uſq; diem [the very next day after the ſittings, if in Term, if after Term, then uſq; the firſt day of the next Term, as] Mercurii prox' poſt Octabas Paſche Nili dilectus & Fidel' Dñi Regis & Dñe Regine Johes Wolf Mir Capitat' Juſtic' Dñi Regis & Dñe Regine ad plita in Cur' ipoꝫum Dñi Regis & Dñe Regine coram ipſis Rege & Regina tenend' aſſign' p'fat' die [the day of ſittings] Jovis decimo octavo die Febr' apud Guildhall Londō p coꝫmam Stratur, &c. Dew p'fat' Jur', &c. Ideo Dic' eſt coꝫ' &c. Idem Dies Dat' eſt partib' p' ibidem, &c.

Note, the Et ſciendum eſt Quod die, &c. is noculed for London as for the Country.

Fo

Jurata, Venire, Distringas.

If your Action be in *Middlesex*, then say, Item A. B. &c. (&c.) annis Dicitur &c. in Com' Midd' in magna Aula Pleitorum Placitorum coram Domino Rege apud Westm' &c. (as last before.)

Jurata in Midd'

In order to a Tryal to be had upon this Issue and Record, you must also make out a *Venire Facias*, the form whereof is thus.

Venire Facias.

Georgius &c. Sciatis Quod Angl' Scire feare & Gentes Nostr' & Regina Fidei Defens', &c. Vic' Sciatis Quod Precipimus tibi qd venire fac' coram nob' apud Westm' die Veneris &c. Quind' die Pasch' de Anno [the last day of the Term Issue is made up] Regni nostri &c. Quindecimo &c. Unde Idem A. B. queritur quod [the place where the Action is laid in the Declaration] in Com' tuo quod quidem [Defendant's name] cepit & Centum Oves ipsius A. B. apud [the place where the Action is laid] ibidem invent' & eas ad manus suas quousq; [Plaintiff's name] ei de hujusmodi transgressione sua fecisset Gratum & Emendam & quandam Juratam inde

If the Close be in *London*, then make a Writ De Visu Hoch' beate Marie &c. Arcubus in Warranda Cheap' &c. unless it be otherwise laid.

partes p̄d̄e plito transgr̄ [as the Action is] Quia tam ipsem C. D. [the Defendant] q̄m p̄d̄ A. B. [the Plaintiff] inc̄ quos inde Contentio est posuer̄ se [illegible] Et pcas ibi nota Jur̄ [illegible] Et Alle. T. Pole mil. apud [illegible] 23 die Januarij [first day of the Term] Anno R.R.E. Quarto.

Holt and Colman.

Upon this Writ of Venire being sealed the Sheriff will return a Jury in a Pannel annexed to the Writ.

Upon which Pannel you must make out a Distringas Juratores after this manner.

Distring' Jur'

Willus &c. Maria Dei Gr. Angl' Scot' Franc' & Hibn' Reg' Fidei Defens' &c. Vic' Sals. salt̄em p̄cipim̄ tibi q̄d̄ distringas A. B. C. D. E. F. &c. [naming all the Jurors with their Additions and places of abode, as they are set down in the Pannel] Jur' in Cur' n̄ra coram nobis apud W. &c. Quer' & C. D. p̄ines Ter̄ra &c. talla sua in halla tua &c. [illegible] [illegible] [illegible]

ita qd̄ hēas coꝛpoꝛa eoꝝ coꝛam nobis apud Westm̄ die Mercurij pr̄x̄ post Quindenā Paschę [the first day of the term] vel cōmē Paschę ad Assisam in Com̄ tunc [the day the Assizes are held on] apud [the place where they are held] p̄ quatuoꝛ [four] milites in hund̄ de [the name of the Hundred] qui nec [the Sheriff] nec aliquis de [the name of the Sheriff] ballivis [Bailiffs] suis [the Sheriff's] fuerint de placito [the matter in question] quare [the reason why] non venit ad audiend̄ Judic̄ sup̄ [upon] ip̄m de plito de [the matter in question] Et habeas ibi nomina hoc breve. Teste [the name of the Chief Justice] apud Westm̄ [or London] in Octabis [the eight days] Purificationis [Feb. 2.] Beatæ Mariæ [the Virgin Mary] vel [the last day of the Term] Pasche [Easter] anno [the year of the King's reign] r̄ nr̄ [our] Quinto.

Holt and Colman.

If your Distress be in *Lancaster*, say *vel coram dilect' & fidel' nr̄ Jo. Holt Mil' Capital' Justic' nr̄ ad Pl'ita tent' nr̄ apud Cestr' assign' si tunc ibi (&c.) apud Guildhall*

Lancaster. If the Distress be in *Middlesex*, then you must say *coram dilect' & fidel' nr̄ Holt (&c.) apud Westm' prid' in Octabis Purificationis Beatæ Mariæ Virginis Anno Regni Regis Willielmi Tertii Angliæ &c. Quinto.*

You must next sue this *Distringas* and get the Sheriff to return it, and if there be an occasion for a *Subpœna* for the Witnesses, as commonly there is, you must make it after this manner.

Subpœna

But four names in one subpœna

Willus & Maria Dei Gra Angl Scot Franc & Hibnie Rex & Regina fidei Defens; &c. A. B. C. D. E. F. G. H. [naming your Witnesses] salutem Precipimus nobis & cuilibet vrm firmiter injungendo quod omnia & singula negotijs & [ ] cessantibus quibuscunq; tellan in quoddam placito vris istis & quilibet vrm sit apud Justic

If in London, then Guildhall London, &c.

[the day the Assizes are held] apud [the place where they are held] ad testificand ea vice & singula que scierit in quadam Actione in Cur nra coram nobis jam pendent indeterminat inter A. B. Quer & C. D. Def de placito transgr [as the Action is] & ad diem ill p Jur Patrie vri ann Et hoc nullatenus omittatis nec aliquis vrm omittat sub pena cujuslibet vrm Centum Libr. Teste J. Holt Mil apud Westm 12° die Feb Anno nro Quinto.

If in Middlesex coram dilect' the Chief Justice as before apud Westm' in Magna Aula placitorum ibidem, &c.

Holt and Colman.

Upon

Upon this *Subpœna* there are Tickets to be filled up or made after this manner.

Tickets.

By virtue of a Writ of *Subpœna* to you directed, and herewith shewed unto you, you are personally to be and appear before their Majesties Justices of Assize [*If for London or Middlesex then before Sir J. H. Kt. &c.*] (*mutatis mutandis.*) at the day of next being the of the Clock in the noon of the same day at the Court then to be holden for the County of to testifie the truth according to your knowledge, in a certain Cause now depending, and then and there to be tried between A. B. Plaintiff and C. D. Defendant in a Plea of on the part and hereof you are not to fail on pain of One Hundred Pounds, dated the day of in the fifth year of the Reign of our Soveraign Lord and Lady *William* and *Mary*, by the grace of God of *England*, *Scotland*, *France* and *Ireland*

Ireland King and Queen, Defenders of the Faith, &c. Anno Dni. 1692.

There remains nothing for the Tryal but to prepare Breviats, to instruct the Councel and provide Witnesses ready, which will not be the business of our Young Clerk. But you may understand that it is a drawing up briefly of the substance of the Declaration and Pleadings, and of the proofs of your Evidence.

We will now suppose all Business ready for the Assizes, and the Circuit begun; next comes our Clerks Vacation-work, which consists chiefly in entring upon the Rolls (which is indeed the Chief Record) and to make out Writs, &c.

Upon these Rolls are entred Issues and Judgments, &c. And according to a late Rule the Warrants of Attorney ought to be entred upon the same, but this is not exactly observed. The Form of a Warrant of Attorney is thus,

Warrant

Warrant of Attorney.

A. B. pō lō suo. C. D. Attorn' suus versus E. F. [&c. as you require] de placito Debi [or as the Action is.] For the Plaintiff.

C. pō lō suo. B. B. Attorn' suus in quibus for the Defendant. For the Defendant.

Entry of an Iſſue.

To Enter Rolls.

Adhuc De Termino Sci Hilarij.

Teste J. Holt Mil.

And within an Inch under that begin to enter your Issues thus, (unless you enter your Warrants of Attorney first, as is before observed.)

Sonus. ſt.

Memorand' qd alias ſcilt Termino Sci. Mich. ult. pte coram Dno Rege & Dna Regina apud Westm. ven. A. D. p. C. D. Attorn' ſua. Et protulit hic in Cur dicte Dñi Regis & Dñe Regine tunc ibidem quandam billam ſuam verſus. E. ſ. [and ſo on, as is before directed, verbatim, according to an Iſſue to the end.]

Entry of an Iſſue.

Idem dies datus eſt partib; pd ibidem, &c.

Here you muſt leave a ſpace of near a Span, for the Judgment, which cannot be known till after the Trial, and then you may begin another Iſſue thus.

Sonus

Sonis &c.

Memorandum, &c. to the end of your Issue. And note you may enter Issues, or Judgments by default, &c. on both sides the Roll, beginning on the backside over against the first Line of your Issue on the fore side; but note, you must not write too near the bottom on the foreside, for within an Inch of the bottom, and where the Roll is of full breadth, you must write in great Court Hand thus,

Rot'o (332) Holt and Colman.

Setting down the number of the Roll in the Middle.

How to enter Judgments (without Trials)

Judgments Entred.

Some of these Judgments are by default, as Nil Dicit, some by Confession of the Party, as Cognit Actionem, some by Assent of the Attorney, as Non Sum Informatus, &c.

Note, you seldom have any thing but the Declaration to enter these by, and the nature of the Judgment marked upon it, and Costs taxed on the Margent of the Declaration.

Re-

Memorandum, You must begin with a Memorandum either of the same Term, or of another [as you will see it convenient, by the Declaration] and it is before directed, to the end of the Declaration—Et inde protect' &c. hic, &c.

Then beginning a New Line write.

Will Dett in Debt with Impartance.

Et unde ad quam diem fecit diem pr' post [the first day of the Term Judgment is entred] ista eod Term dicit q̄ cum diem p̄d C. D. fuit licenciam ad billam p̄d interloquend & tunc ad respondend, &c. coram Dño Rege & Dña Regina apud Westm̄ ven̄ p̄d A. B. p Attorn̄ suum p̄d Et p̄d C. D. licet ad eund diem solempnit' exact non ven̄ nec aliquid dic' in barram sive p̄clusionem Accon̄ p̄d A. B. p̄ p quod idem A. remanet ver̄ plac' C. inde inquiens, &c. Et Considerat' est q̄d p̄d A. recuperet ver̄ plac' C. debitum sum̄ p̄d mention' p̄d, &c. [the Costs entred] p̄dampnus tam̄ quos ratione tam̄ occasione ver̄emorand per ill quos p̄ mis & Custag suis p̄ quod &c. Et sec̄m Cursum in hac parte, quoniam et dem A. p̄ Cur hic Dil' &c. Dña Regina mand̄ p̄d Et attend̄ quod idem C. p̄d Et p̄d C. in misc. &c.

Judic' sign' 20 Maij 1692.

Mis'.

Writ of In
quiry.

sena

kens—Ob quod ꝑd A. B. dampna sua ꝑ vestus ꝓfac' C. D. actione ꝓmissis ꝑd sustenere recuperare debeat. Sed quia Cur dicit Dñi Regis & Dñe Regine mun hic coram ipsis Rege Regina incogn existit que dampna ꝑd A. B. occasione ꝑd in hac parte sustinuit. Idcc ꝓcept Writ of Inquiry. Vic' quod [Sacrm duodecim ꝓbor & legalium hominum de balliva sua diligent inquir' que dampna ꝑd A. B. tam occasione ꝓmissis quam ꝓ Vadiis & custagijs suis apud circa certam suam in hac parte ꝓpone sustinuit. Et Inquisitionem quam inde cepit Dño Regi & Dñe Regine apud Westm' die Mercurij pr' post Quindden Paschæ [the Retorn of the Writ] sub Sigillo suo & Sigillis eor p quorum Sacrm Inquisitionem ill ceprit mittat Cancellar' hr Dñi Regis & Dñe Regine ci inde direct'.

Hereupon a Writ of Inquiry of Damages must be made out, the form whereof see after amongst all the other Writs.

Nil Dicit in case the same Term with the Declaration.

Et ꝑd C. ꝓ se. Actionē suā ꝑ defendit vim & injur' quando, &c. Et ꝑd A. Plaintiff ꝓt ꝓ ꝑd C. ad Narr suam ꝑd respondeat cuiusque ꝑd C. habet

bet diem Lune pr' post Quindenas Sci Hyarttiit [the last day of the Term] ubi dat p Cur Dnō Regis & Dnā Regine hic ad respondend, &c. Et idem &c. ad eund diem solempnit & sect ad respond dem non venit nec idem Attorn pō &c. pro ipso & aliqua inde dicit in hac parte per quod idem A. remanet inde sine die &c. Et quod pō A. damna sua versus pdcm &c. occasione pmiss pō habend &c. [ut pr' antea.]

If in Treſpaſs, you muſt enter as before, only mutatis mutandis, and instead of occasione pmiss pō, you muſt ſay (occasione Cuſtagii pō.)

In Aſſault occasione Custagii & assault pō.

In Aſſault and Impriſonment occasione Custagii assault & imprisonamenti pō.

In Covenant, occasione fracturæ Conventionis pō.

In Aſſumpſit, occasione non performationis promiſſionis & assumpcon pō.

In Ejectment occasione Custagii & Ejectionis pō, and ſo of the like.

Judge.

Judgment by Cogn. Actionem, in Debt without Impariance

Such Costs as are taxed.

Set down in the Margent when Judgment was signed. Mia'

By Cogn. Actionem against Admin.

after the Defendant is willing to confess the Action, then enter it thus.]

See after in Com. Plea.

Without Imparlance

sua) de aliqua respons̄ p̄o eod̄ B. eidem A. in ānis dand̄, nec aliquid aliud inde dic̄ in hac parte, vbe petitionem Actionis p̄dict̄ A. ꝺ̄ p quod idem A. remanet inde, petit ꝺ̄ B. indefens̄, &c.

Quia est Ob ꝺ̄ A. recit. quod ꝺ̄ A. dampna sua ultra ꝺ̄ B. ad valentiam, &c. ut supra.

You must enter in the margent when the Judgment was signed. Mia'.

In Case.

Write as above vsq; indefens̄, &c. Et quod ꝺ̄ A. dampna sua ultra ꝺ̄ B. ad valentiam, &c. Dic̄ quia Cur dic̄ Dñs Regis & Dñe nunc hic coram Dñis Rege & Regina incepit exhibit que dampna ꝺ̄ A. occasione ꝺ̄ in hac parte sustinuit. Ita precepit est Dic̄ qd̄ p̄ sacrum rit̄ ꝓbor̄ & legalium hominū de Vallia sua diligenter inquirat que dampna, &c. (as in Nil Dicit in Case, only instead of octone ānis, say octabone non pertransacto termino, &c. assumpcon̄ ꝺ̄ &c.)

In Trespass, then as next above only instead of octone ānis, say octabone Sancti

If in Treſpaſs and Aſſault, then ſay

If in Treſpaſs, Aſſault and Impriſonment,

Note, if your Action be by Bill, or any other Term with an Exſpectatur, you muſt begin as in other Caſes.

We pray that Proceſs may iſſue againſt the Defendant, &c. Et quod habeat, &c. per quod, &c. Et ſuper hoc, &c. dicit quod ipſe non eſt inde, &c. (as before.)

We pray that Proceſs may iſſue againſt the Defendant, &c. Et quod habeat, &c. per quod, &c. Et ſuper hoc, &c. dicit quod ipſe non eſt inde, &c. (as before.)

Inquiry out of Chancery where the Judgment is without Plea.

if there be an *Alias* dict' you muſt recite it.

Writ of Inquiry of Damages

Willus ℈ Maria Dei Gra Angl Scot Franc ℈ Hibn Rex ℈ Regina Fidei Defens ℈c Vic S. salt̃em Cum A. D. nup̃ in Cur nr̃a coram Nobis apud Westm̃ p̃ Willam filiu̇ hoc nr̃o implitasset C. D. in custod̃ suam Ma. qui nr̃o coram nobis existit hec eo qd̃ p̃dc̃ p̃imo die Aprilis Anno Regni nr̃i tercio apud &c. And upon it is in the Declaration verbatim [only saying Anno tert̃ nr̃i p̃dc̃ p̃ ut dic̃ is, instead of Anno tert̃ Dñi Regis ℈ Dñe Regine nunc] till you come to) Ad dampnum ipsius A. &c. Et inde p̃duxit Sectam &c. Ac iterq̃ in eadem Cur nr̃a coram nobis p̃cessu fuit qd̃ p̃d̃ A. dampna sua hujus p̃tac C. occasione levare & recuperare debeat Sed quia Cur nr̃a coram nob̃ incerta existit que dampna idem A. occasione p̃d̃ sustinuit Jō tibi p̃cipimus qd̃ p̃ sacr̃m duodecim p̃bor̃m & legalium hominum de balliva tua diligenc̃ inquir̃ que dampna idem A. tam occasione p̃d̃ qm̃ p̃ eius & custag̃ suis p̃priȧ circa Sectam suam in hac parte apposit̃ sustinuit Et inquisitionem quam inde feceris Nobis apud Westm̃ die Veneris p̃x̃ post Quinden

Holt and Colman.

After a Verdict at the Assizes, and Judgment thereupon, the Writs of Execution are made out, which are of three sorts.

1. Either against the Body, as a Capias ad Satisfaciendum.

2. Or against the Goods, as a Fieri Facias.

3. Or against the Lands, as an Elegit. The several forms whereof follow.

Ca. Sa. in Debt.

If there be an *alias dist'* you must recite it.

non de Triginta Solid ℔ Octo Denar [the Costs] p̄z dampnis suis que sustinuit tam occone detencois dict illius p̄d ℔ mis ℔ custag suis p̄ quo circa Billam suam in hac parte appon Unde conuict est sicut Vobis constat de Recordo Et hoc ibi tunc hoc h̄z Teste J. Holt apud Westm die A°. r℞ Quinto.

Holt and Colman.

Note that if the Action was by way of Original, that you must make your Ca Sd retornable ubicunq.

Ca Sd in Case upon Assumpsit.

Willus ℔ Maria, &c. [as before] ad satisfaciend A. B. de 20 l. p̄z dampnis suis que sustinuit tm occone non p̄formationis cujusdam p̄omissionis & Assumpc eidem A. p̄ pfat C. nup fact [and] p̄d ℔ mis ℔ Custag suis p quo circa Billam suam, &c. [ut antea.]

Ca Sd in Trespass upon the Case General.

Ad satisfaciend A. B. de 20 l. p̄z Dampnis suis que sustinuit tm non p̄tone

ockone cujuſdam tranſgr ſuper Caſum eidem A. p pfac C. nup illac qđ p mis & cultag ſuis p ipm circa Becam huam in hac parte oppoſic. &c. (ut antea.)

In Treſpaſs and Aſſault.

Tam ockone cujuſdam tranſgr & inſulc p ipm C. ſup eund A. nup lacc qđ p mis & cultag. &c.

In Treſpaſs only.

Ad ſatisfaciend A. B. de 20 l. pro dampnis ſuis que ſuſtinuit tm ockone cujuſdam tranſgr eidem A. p pfac C. nup illac qđ p mis. &c. ut antea.

In Covenant, ſay

Tam ockone cujuſdam conbencon fracc eidem A. p pfac C. nup facc qđ p mis, &c. ut in al.

In Ejectment, ſay

Tam ockone cujuſdam tranſgr & ejectionis firme eidem A. p pfac C. nup illac qđ p mis, &c. ut in al.

Ed Bd for several Damages in Trespass

Willus & Maria, &c. Vic B. salutem scipimus tibi Qd capias C. D. nup de, &c. & C. F. nup de, &c. Ad satisfaciend A. B. decem solid p dampnis suis que hut occone raptoris & abductionis ser Ovium ejusdem A. Et etiam eidem C. & E. ad satisfaciend eidem A. de ser Libris que eidem A. in Cur nr coram Nobis apud Westm adjudicat fuer p mis & custag suis occone retent Qd et dem A. p plac C. & E. vi & armis & contra pacem nram apud G. in Com tuo illat unde convicti sunt sicut nobis constat de Recordo Et hens, &c.

Certar Ed Bd in Debt.

Willus & Maria Dei Gra Angl Scot Franc & Hibnie Rex & Regina Fidei Defens, &c. Vic B. salutem Quia Vic nro B. nup precepimus qd caperet C. D. si inveniri posset in Balliva sua & eo salvo custodi ita qd haberet corpus ejus coram Nob apud Westm ad certum diem jam pter ad satisfaciend A. B. de 20 l. de Debo nec non de 33 s. & 8 d. p dampn suis que sustinuit tm occone detentionis debi ill qm p mis & custag suis p ipm

certa

[illegible] Debam suam in hac parte oppōit
unde [illegible] dic ni B. ad diem ill
nob retozn qd pd C. non fuit inbens in
balliā sua sup pmo ex parte pd A. in Cur
nra cozam Nob sufficiente Testat est qd
pd C. latie & discuer in Com tuo Jō
tibi pcipimus qd capias eum si inuen
fuer in balliā tua. Et eum salvo custod
ita qd habeas Corpus ejus cozam Nob
apud Westm die [illegible] ost
Ad satisfaciend pfat A. de debo & dampn
nis pd Et heas, &c.

(a) Sd against the Bayl in Debt.

Willus, &c. Pcipimus tibi qd capias C. D. de (&c.) & E. F. de (&c.) Manucaptoz G. H. li, &c. (ut antea) ad satisfaciend A. B. de 200 l. de debo necnon de 4 l. 7 dampnis suis, &c. (as before for Debt) Unde idem G. convict est
[illegible] Et [illegible]
[illegible] Et heas, &c. (ut in al.)

Note,

Note, it's said there ought to be a Fi. Fa. & nulla bona return'd, and filed before the suing forth this Writ.

Ca. Sa. against the Plaintiff for Costs upon a Non-suit.

Ad tractan' A. B. &c.

Ad satisfaciend' C. D. juxta formam Statuti in hujmoi Casu inde nup edit' & provis' de &c. eidem C. P. nup &c. ad sect' pro Actione quadam in Curia hic coram Nobis, plits inter C. ad sect' pro A, de plito debi [or trans sup Casum as the Case is] adjudicat. Unde idem A postmodum Actionem ill non fuit prosecut. Et heas ibi tunc hoc br' &c.

Ca. Sa. for Costs against the Plaintiff after a Verdict.

Ad satisfaciend' C. D. de &c. eidem C. juxta formam Statuti inde nup edit' & provis' de &c. ad sect' pro Actione quadam in Curia hic coram Nobis, plits inter C. ad sect' pro A, de plito debi [as the Action is] adjudicat. Unde idem A postmodum Actionem ill non fuit prosecut. Et heas ibi tunc hoc br' &c. (ut in ul.)

Note,

Note, that if you make out a Cõ Sõ, after a Scire facias had issued, then after the words sicut Nobis constat de recordo you must add

Fieri facias in Debt.

WIllus &c Maria Dei &c Reg Angl &c Fran &c Hibnie &c fidei &c Ac Pueri Defens &c Vic &c Salutem p̄cipim⁹ tibi q̄d de Bonis & Catallis C. D. [and if it be upon a Bond, you must say alias dict as in the Writ] in Ballia tua fieri facias Centum Libr quas A. B. nup in Cur nr̄a coram Nobis apud Westm recuperavit versus eum de debito nonnō & q̄ eidem A. nup in eadem Cur nr̄a coram Nobis adjudicat fuit & dampnis suis que sustinuit tam occasione detencōis debiti illius q̄m & misis & custag suis p̄d̄c̄a Secundum Consuetudinem hujus Regni Angl̄ apposite unde constare nr̄o Nobis constat de Recordo Et de hoc tibi hic in Cur nr̄a coram Nobis apud Westm die Mercurij pr̄x post Quinden Paschæ Ad reddend̄ p̄fat A. de Debito & Dampnis p̄d̄is Et hoc tibi nullat hab̄e Dolle, &c.

Fi. Fa. in Case upon Promise.

As before, usq; p̄z Dampnis suis que sustinuit tam occasione non p̄formation cuiusdam Promissionis & Assumpcon eidem A. p̄ p̄fat C. nup facte q̄d & misis & custag suis, &c. (as before.) In

In Covenant, ff.

As haſſe, &c. [illegible] ſuis que ſuſtinuit tam octone [illegible] cujuſdam & conventiones inter [illegible] pō A. ſuis que p ipm circa Seacum [illegible] appōic, &c. (ut antea.)

In Ejectment.

Que ſuſtinuit octone cujuſdam [illegible] & Ejectōe firme [illegible] pō C. [illegible] & arvis & [illegible] Com [illegible]

In Trover.

Octone cujuſdam [illegible] pō C. [illegible] &c. (ut antea.)

Against an Administrator.

Q. de Bonis & Catallis que fuer D. defunct tempore mortis ſue in manibus & cuſtod C. f. Administrator omiū & ſingulor Bonor. & Catallor Jurium & Creditorum que fuer pō C. tempore mortis ſue qui obijt intestat, & eritem in baillia ſua ſecit &c. quer. &c. (&c.) inde conuse ch [illegible] non conſtat de [illegible] ſi tantum [illegible] ſuis habeat & ſi tanto in manib ſuis non [illegible] tunc damna [illegible] de Bonis & Catallis ipius & [illegible] & penes ill [illegible] &c. (ut in al.

Note,

Note, if it be againſt an Executor, you ſay Eid de Bonis & Catallis que fuer' A. B. defunct nup die (&c.) tempore mortis ſue in manib' & cuſtod' C. D. Executor Teſt' & ille Voluntat' pd A. in Billis inde fier' fac, &c.

Fi. Fa. againſt the Plaintiff for Coſts to the Defendant.

Eid de Bonis & Catallis A. B. in Billis inde fier' fac decem Libr' que C. D. juxta form Stat inde nup edit & prom̃is in Cur' nr̃a coram Nobis adjudicat fuer' p̃ mis & cuſtag ſuis circa defenſionem ſuam in quadam Actione Trſpſs [Trſpſs' fup Caſum, &c.] ad ſecc pd A. Et denar' ill' heas coram Nobis apud Weſtm̃ die (&c.) Ad reddend' pdc C. p̃ mis & cuſtag ſuis pd & heas, &c. (ut in al.)

Teſtatum Fi. Fac in Debt.

Edwardus &c. Sciatis, &c. Die L. Jubem Cum Pl'ic nr̃o B. nup ꝓcipimus q̃d de Bonis & Catallis C. D. in Balliva tua fier' fac Centum Libr' quas A. B. nup in Cur' nr̃a coram Nob apud Weſtm̃ recuperavit ꝓcs cum de Debo mention ꝛo B. que eid A. nup in ead Cur' nr̃a

nra cozam Nobis adjudicae fuer p dampnis suis que sustinuit tm occone detencoñ Debi ill qm p nuis & custag suis p ipm circa Seram suam in hac parte appõre Unde constare ẽt sicut Nob constat de Recozdo Et denar ill deberet cozam Nob apud Westm die Sancti pr' post Quindem Paschę ad reddend pfat A. B. de Debo & Dampnis pd Utlag Vic nr S. ad diem ill Nob rezoñ qd pd C. nulla het Bona seu Catalla in Ballia sua unde denar ill fieri facere potuit sup quo ex parte pd A. in Cur nra cozam Nob fuisse testatũ est qd pd C. Bona & Catalla het sufficien in Ballia tua unde denar pd fieri facere possint Ita tibi precipimus qd de Bonis & Catallis pd C. in Ballia tua fieri facias pd 100 l. de debo & 20 s. p dampnis pd Et denar ill habeas cozam Nob apud Westm die Sabbi pr' post Crast Ascencioñ Dñi Ad reddend pfat A. B. de Debo & Dampnis pd in cozpa pd &c. Et habeas ibi tunc hoc Bꝛe Teste &c.

Elegit.

Willms ℔ Maria Dei Grā Angl Scāc Franc ℔ Hibnie Rex ℔ Regina Fidei Defens &c. Vic. Salutem Cum A. B. nup in Cur ura cozam Nobis apud Westm p bria sine bād iro ar p Judic eiusdem Cur recuperavit ver sus C. D. Centum Libr de Debo nec non 40 s. pro dampnis suis que sustinuit tam occone detencoīs Debi illi and p mis ℔ cuſtag suis p ipm circa De tam suam in hac parte appāit unde constitit eū sicut Nobis constat de re cozdo Postea scz pd A. venit in Cur ura cozam Nobis ℔ Optulit sibi liberari om nia Bona ℔ Catalla pd C. preter Be ves ℔ Affros de Caruca sua ℔ simil mediet ac omīd ℔ sugulōz. Terraz ℔ Tenōz pd C. in Ballina tua juxta Lozmagh Stagnū inde nup ejic ℔ vobis quousq; debit ℔ dampna pd plenar inde levabit. Ita sibi precipimus pd omnia Bona ℔ Catalla pd C. in Ballivā tua preter Boves ℔ Affros de Caruca sua ℔ filic Medietat omīd Terraz ℔ Ten ōz pd C. in ballia tua de quib; pd C. die Anno rni nrd tertio quo die Judicīd pd reddi tum fuit vel ungd postea fuit fcic sine dila

pilatione libari facias q rationabil pre-
tium & Extens Tenend sibi Bord &
Catalla pd ut Bord & Catalla sua propr
Acciam tenend Bedistae Terr & Te-
nemene pd ut libum Tenemene suu sibi
& Hered suis iuxta formam Statut pd
quousq; Debit & Damna pd inde le-
vabit. Et qualit hoc bd nrm fieris
certe Nobis apud Westm die (&c.)
constare facias sub sigillo tuo & sigil-
lis eor & quor Sacrm Extent & ap-
preciation ill fieri. Et hoc, &c.

Elegit in Debt for a Residue post Fi. fa.

Willus &c. Cum A. B. — hun in
Cur nra, (&c. reciting the recovery as
before, usq; sicut Nob constat de Recog-
po Cums tuisinde p hac nrm tuq; pre-
cipimus qd de Bonis & Catallis, &c. (reci-
ting the whole Writ of Fieri Facias
and the Return) postea qd A. venit in
Cur nra (as before) & petit sibi fieri
Statut in hujmõi Casu inde edit
& provis quousq; l. pd debit & damn
pd plenar inde levabit. Ita tibi præci-
mus qd recepto Bono, &c. (as before
usq; vel unquam postea fuit fact, y
rõnabile pretiu & extens Tenend, &c.
(as before) juxta formam Statuti inde
edit & provis quousq; de l. pd debit

debit & dampn̄ p̄ inde lebadie &
Qualit, &c. (as before.)

Elegit after an Elegit.

Willus, &c. Cum A. B. nup in Cu
ria coram Nob apud Westm, &c. (re
citing the first Writ usq;) quousq; Debeu
& Dampn̄ p̄ inde lebavit Et qualit
p̄cepe nostrum coram Nob apud
Westm die (&c.) constare fac Tu ad
diem illi Nob retorn̄ quando Inquis
con coram te apud Castrum C. (ti
dic) tule p̄tic p̄ sacrum duodecim, &c
cape p quam compe eriſtit qd̄ p̄ C. fui
ſeſſie in dnico ſuo ut de feodo tempo
re retupation debi p̄ de Manio de, &c
(reciting the retorn of the Inquiſition) &
quia jam datum eſt Nobis intelligi q
p̄ C. tempore Judicii p̄ reddie & po
ſeſſ fuit & modo het diverſa alia Ma
nia Terras & Tenementa ultra ea qu
in retorn̄ p̄dict mentionantur quor
quidem Manior Terrar & Tenor
dict mediebat in executione p̄dict
retupatione Debi p̄d habere quam de
bet Unde idem A. Nob humillime ſup
plicavit qd̄ juxta Juris exigentiam
illi ſibi fieri faceat Tibi igitur p̄cipi
mus qd̄ tu omnia illa ſua dict Manior
alior Manior Terrar & Tenur

ipius

ipius C. qm illoꝝ quoꝝ medietas in-
execucione p̄ solucone debic p̄d' p̄rius
certe certific in balliva sua sic in
plenis plac' C. ad inde p̄muniend' si in-
esse voluerit plac' A. libari facias p
rotulos p̄cend' certe tenend' eid' A. &
assign' suis ut libuit Testium suo quo-
usq; p̄d' Centum Libr̄e plenar' exint le-
vat. Et hoc ex quod deinde feceris Nob
apud Westm die (&c.) sub sigillo tuo
& sigillis eoꝝ p quoꝝ sacrm̄ certe
& appreciation ill feceris mittas una
cum hoc br̄e Teste J. Holt, &c. (ut in
al.)

A Writ of Possession.

WIllus & Maria Dei Gr̄a Angl
Scot Franc & Hibnie Rex & Regina Fidei Defens, &c. Vic' S. salt̄em
Cum A. B. nup in Cur̄ nr̄a coram
Nob apud Westm p̄ billam suam br̄v nr̄o
ac p̄ Judic' ejusdem Cur̄ recuperavit ver-
sus C. D. Termin̄ sua adhuc venit
de & in Tribus Westmagnis Viginti &
Quatuoꝝ Acr̄ Terre (* &c.) cum p̄tin
sciuar' (* &c.) que quidam E. F. tertio
die (&c.) Anno (&c.) [as in the De-
claration] eidem A. dimisit ad Termin̄
Annoꝝ qui nondum p̄tiit videlt a tri-
cesimo die (* &c.) usq; finem & Termin̄
septem

* As in the Declarat.
* Ibid.
* Ibid.

septem Annos &c. tunc pr' sequen' &
plenar' complend' & finiend' Dirrute cu-
jus quidem dimissionis idem A. in pd'
tria Wellaag (&c.) cum pertin' intra-
vit & fuit inde possessionat' quousq; pd'
C. postea scilt eodem tertio die (&c.)
Anno (&c.) pd' Vi & Armis in pd'
tria Wellaag (&c.) cum pertin' in
sup' possession pd' A. inde intrabat
quod A. a Firma sua pd' Termino suo pd'
nondum finit ejecit expulit & amovit
To tibi precipimus quod sicut A. possessi-
onem suam Termij sui pd' adhuc habeat
de & in pd' Tribz Wells & Viginti Qua-
tuoz Acris Terre cum pertin' (&c.) ha-
bere facias Et qualit' hoc nrm' fue-
ris execue Nobis apud Westm' die, &
constare fac Et habeas ibi tunc hoc bre
Teste, &c.

Thus have I shewn you the several Writs of Execution, after Verdict & Judgment.

Next I shall set down some other Writs and Middle Proces's, which you may often have occasion to make out, *viz.*

Attac

Attach Privileg'

An Attachment of Priviledge for a Clerk of the *King's Bench*.

WIllus &c. Maria, (&c.) Vic. S. salt'm. Precipimus tibi q̃d attach A. B. C. D. E. F. G. H. I. K. L. M. N. O. &c. [for you may put in a great many] si inde sufecerint in Ballia tua & eos salvos custod. ita q̃d habeas coram nob. cozam Nob apud Westm. die Pasch. prox. ad respondend A. B. Gen. un. Clericozum de Banco & Tolman Capitat Ctic. nrd. ad Placita in Cur. nrd cozam Nob in Anglia allegat. jurta libtat & Privileg p humoi Capitat Clerico & ejus Clericis a tempore cujus contrar. memoria hominũ non exist. usitat & approbat in eadem de plito debt. Et habeas ibi tunc hoc Br. Teste J. Holt, &c.

Attach' for an Attorney of the *King's Bench*.

Ad respond C. D. Gen. un Attozn in Cur nra cozam Nob exister jurta libtat & privileg p humoi Attozn a

tempore cujus contrarij, &c. (as before.)

Certiorari p oīb; Querelis [& oīb; Attach.

WIllus & Maria Dei Grā (&c.) Majori (&c.) salutem Volentes terris de Caulis Certiorari [tam] de oīb; Querelis in Cur nr̄a coram vobis seu aliquo vrm vers C. D. ad sectam A. B. levat sive affirmat [quā de quibuscunq; Attach tūp Querel sit sive coram aliqua in manib; C. & F. (&c.) seu coram alterius fact] vobis & cuilibet vrm mandamus qd Querel p̄d [ac attach p̄d & coram quodlibet] cum oīb; ea [sive coram aliquod] tangen coram Nob apud Westm die (&c.) vt pot (&c.) adeo plene & integre sint coram vob seu aliquo vrm reddent vitrariis unacum hoc br̄e vt ultius inde fieri fac quod de Jure & secm Legem Regni nr̄d Angl fore viderimus faciend Teste, &c.

Habeas

Habeas Corpus retornable in Court.

WIllus (&c.) Majori Aldermanis (&c.) saltem ꝑcipimus Vobis qꝺ Corꝑ C. D. in Prison nra sub custod vra ut dicitur detenc sub salvo & secur conduct unacum die & causa capcionis & detencionis sue quocunq; noie idem C. censeatr in eadem heatis coram nob apud Westm die pr' post ad respondend A. B. de Plito Debi Ac ulterius ad fac & rec ea omnia & singla que Cur nra coram Nobis de eo adtunc & ibm cons in hac parte Et heatis, &c.

Habeas Corpus retornable immediate before the Chief Justice.

As before usq;——quocunq; noie idem C. censeatr in eadem heatis coram dilecto & fidel nro Johe Holt Mil Capitali Justic nro ad Placita in Cur nra coram Nob tenend assign apud Cameram suam Fritunæ in le Serjeants Inn in Fleetstreet London immediate post receptcon hujus brīs ad faciend & recipiend ea omnia & singla que idem Capitlis Justic nostr de eo adtunc & ibm Cons in hac parte Et heatis ibi tunc hoc brē Teste, &c.

Habeas

Habeas Corpus before one of the puisne Judges immediate.

W Coram A. B. Mil. uno Justic. nro. ad Pl. in Cur. nra. coram Nob. remen. alligd. apud Cameram suam scituar. (&c.) immediate post receptum hujus, &c. ad fac. & rec. &c. (as before.)

Habeas Corpus in Vacation returnd at a day certain.

Habeatis coram (&c.) die Lunæ quarto die Aprilis circa horam tertiam post meridiem ejusdem diei——ad fac. & rec. &c. (ut supra.)

Habeas Corpus ad prosequend.

Ad prosequend. billam suam versus C. D. in placito Debi. put. in Cur. nra. coram Nobis nuper. Ut plenius in hac parte proceders valeamus, put. de jure fore viderimus procedend. Et habeas, &c.

Ad respondend.

Ad respondend. A. B. de placito Debi (or de placito trespass, &c. as the Case is) Ut plenius as last before.

Ad

Ad Satisfaciend.

Ad satisfaciend A. B. de 20 l. pro Dampnis suis que sustinuit tm̃ occone cujusdam tnsgr eidem A. p p̃fat C. nup illat. q̃m p mis E custag suis, (&c.) as in Ca Sa sicut nobis constat de Retorno.) Ut ulterius, &c. as above.

Habeas Corpus, where languidus in Prisona was return'd.

Milhus (&c.) salutem Precipimus tibi q̃d corpus C. D. p te capt & in Prisona nra sub custod tua licet languidus detent sicut p retorn tuum [or retorn M. F. nup Vic Com p̃d] in Cur nra coram Nob mis Nobis liquet manifest habeas coram Nobis die, &c. ad respond [or ad satisfaciend, &c. as before] A. B. de plito tnsgr [or plito Debi, &c. mutuatis mutandis] Et habeas, (&c.) ut in al.

Habeas Corpus upon a Capi Corp.

Precipimus tibi q̃d Corpus C. D. p te capt & in Prisona nostra sub custod tua detent put tu ipe p retorn tuum in Cur nra coram Nob alias mandav teneri facias habeas coram Nob apud Westm

—die

——die——&c. ad respons A. B. de plito trespi Et heas, &c.

The like to the Sheriff of Middx upon a Cepi return'd.

Precepe est Vic qd Corp C. D. p se capt & in Prisona Dñi Regis & Dñe Regine sub custod tua detenet put p retorn tuo in Cur Dñi Regis & Dñe Regine coram ipis Regis & Regina allas mis le die vit heat coram Dño Rege & Dña Regina apud Westm ——die——(&c.) Ad respondend A. B. de placito trespi Et heat ibi tunc hoc precept, &c.

Procedendo.

WIllus (&c.) Majori Aldrmis & Vic London salt Licet Vobis p brē nostrū mup precepimus qd Corpus C. D. in Prisona nra sub custod vra ut dicebatr detenet sub salvo & secur conduct unarum die & causa capcon & detention sue quocunq; nōie idem C. censeatr in eadem haberetis coram dilecto & fideli nostro Johe Holt Mil Capitali Justic nrō ad Plita in Cur nrā coram Nob tenend allegd apud Cameram Iuam

die—

am scitulae in le Sergeants Inn in Fleet-street London [* or coram A. B. Mil' unus Justic' nr' ad plita in Cur' nr' coram Rob' tenend' assign' apud Cameram suam scituat' (&c.) imediate post recepc'on istius bris [or habere tis coram Rob' apud Wellm' die &c. as the return was in Ha' Corp'] ad faciend' & recipiend' ea omnia & singla que idem Justic' nost' [or que Cur' nr' coram nobis] de eo adtunc & ibm cons' in ea parte Camen certis de Causis nos jam in Cur' nr' coram Rob' spectalit' moven' Vobis & cuilibet vrm scripsimus Ad in quibuscunq; quer'elis sive sectis versus ipm C. Ad tram A. B. in Cur' nr' coram vob' seu aliquo vrm levat' sive affirmat' vel coram vobis seu aliquo vrm jam pendent' indeterminat' cum ea celeritate qua poteritis ralit' procedatis qualit' fedm Legem & Cons' Regni nr' Angl' (vel * Civit' nr' London' pd') fore viderit's procedend' (Salvo nro pd' vob' inde plura dicere in contrarium in aliquo non obstan') Teste, &c. (ut in al.)

* Nota.

* This Clause is to be put in when 'tis in *London.*

Procedendo sup Certiorari.

Cum Willus, &c. [reciting

[reciting the Certiorari in such manner as the Habeas Corpus is before recited] coram Nob die — &c. unacum hac illo &c ultius inde fieri faceremus put de re fore viderimus faciend) Tamen certis de Causis Nos jam in Cur nra coram Nob moved vob & cuilibet vrum præcipimus qd tam in Querel pd vers pfat C. in Cur nra coram vobis seu aliquo vrum levat ad sectam pd A. qd in Attachmento supinde fact in manib; & custod &c. sum ea celeritate qua poteritis talie p̃cedatis qualiter fatum Legem & consuetudinem Civit nre pd fore videbitis p̃cedend (Dat nro de Certiorari pd vobis p̃ius inde in contrar dirett in aliquo non obstand) Teste, &c

Præcedend sup hoc de Latitat

Willus (&c.) Vic London salt Cum Vic nre Mids nup præcipimus q̃ capet C. D. si inveniri posset in balliva sua & eum salvo custodiri fac ita quod haberet corpus ejus coram nob apud Westm. a ——— (&c.) ad respondend A. B. de plito trans[gr] [or as the Case of Action was in the Latitat] Dnusq; Vic nre Mids ad diem Mob record qd pd C. non fuit inventus in balliva sua sup qd ex parte pd A. in Cur nra coram nob sufficien

* Note, 'tis commonly said *ad certum diem tunc pret'it ad respondend'* (&c.)

sufficiene testatum fuerit qd̄ p̄d̄ C. Natie & discuri in Civie n̄r London [or the County to which the Lat was directed] Nobis[q] supinde nup̄ scripsimus qd̄ cu[m] ipsi in ballua sua & cum [illegible] custod' ita qd̄ haberetis coꝛpus eius coꝛam Nobis apud [illegible] die * — post — ad respond' ꝓfat' A. de plito qd̄ Dauge in eadem Cur' n̄ra coram Nob[is] ex parte B. L. accepimus qd̄ vos in quadam querel' me ipm B. & E. in Cur' n̄ra coram vobis ꝓfat' Nic' penden' indeterminac' procedere occasione dict' brev' n̄r' distringend' & adhuc differ' in ipius B. grave dampnum Et Nos in hac parte fieri volentes quod est justum vob[is] scripsimus qd̄ in quibuscumq; Querelis versus ipm C. de tenem' ꝓd̄ B. L. coꝛam vobis seu aliquo vestr' formac' & coꝛam vobis seu aliquo vestr' iam pendent' indeterminac' cum ea celeritate qua poteritis fieri procedatis qualit' fieri debet & Consuetud' Cur' n̄ra London' fuit & existit (dicto brevi n̄ro ꝓd̄ vobis prius inde nup̄ directo in aliquo non obstante) Teste, &c.

* As in the Lat'.

Scire

Scire facias in Debo.

Willus &c. Vic' apud Eastm' Cum A. B. Gen' nup' in Cur' nr' coram Nob' apud Westm' p' bill' sine bo' nr' ac p' judic' ejusdem Cur' recuperavit vers' C. D. Gen' als' dict' (&c.) ducent' Libr' de Debo nr' non recog' Libi p' dampnis suis que sustinuit tam occas' detencionis Debi illius quam p' mis & custag' suis p'pria circa lectam suam in ea parte appon' unde idem C. D. convict' est sicut Nob' constat de Recordo Tamen ex parte p'd' A. in Cur' nr' coram Nob' accepimus Quod licet Judicium inde reddit' sit Executio tamen de Debo & Dampnis p'd' sibi adhuc restat faciend' Unde nob' supplicavit idem A. sibi de remedio congruo in hac parte p'videri Et Nos in hac parte fieri volentes quod est Justum Tibi p'cipimus q'd' p' p'bos & leges hoies de ball'ia tua scire fac' * plac' C. D. Q'd' sit coram Nob' apud

* If a *sci' fac'* against Terrtenants (then say as before *usq;*) *Tibi p'cipims' q'd' per probos & legl'es hoi'es de ball'ia tua (scire fac' tenen' omiu' terr' & tenor' que fuer' p'd' C. die — p'x' post — an. rni' nr' primo quo die judic' p'd' reddit' fuit vel unqm' posset in ball'a tua q'd' sint coram Nob' apud Westm' die — p'x' post — ad ost'nd' (&c.) quare deb'm & dampna p'd' de Terris & Ten'tis ill' fieri & p'fat' A. reddi non debeant juxta vim formam & effect' recuperac' p'd' si. (&c.) Et ul'ius ad fac' & rec' quod Cur' nr' coram nob' de tis adtunc & ib'm cons' In hac parte Et habeat, &c.* (as in others.)

apud

Holt and Coleman.

Sed Fac in Case or Assumpsit.

Sed Fac in Trespass for Case.

suis que sustinuit tm̃ occasione cuiusdam
tnagr̃ p eund̃ C. eidem A. nup facc̃ qd̃
p mis, &c.

Sed Fac vers Manucaptor in Debo.

recuperabit versus C. D. 20 l. p dampnis
suis que sustinuit tm̃ occasione cuiusdam
tnagr̃ p eund̃ C. eidem A. nup facc̃ qd̃
p mis, &c.

Dampña mis & cuſtag que ꝑtac A. B.
in ea parte adjudicarentr de Terras &

in quibuscunq; Querel' vers' ipm A. ad lectam E. F. in Cur' hr' coram Vobis seu aliquo' vrm' levat' sive affirmat' tam generalit' indeterminat' cum ea electione qua poterunt' talit' procederitis qualit' scitis Legem & Cons' Angl' nec non & Civit' nec London' fore' debent' & usitat' quod' vos procedend' sit vos de habend' Recordum hui' rei &c. Et quia &c. in contrar' dicit' in aliquo non obstand' Et quia &c. quod' vos procedend' ad &c. Et quia &c. in Cur' hr' coram vob' tam' instanter requisit' &c. de procedendo ad &c. in Querela pd' ad &c. Et quia &c. in Querela pd' ad &c. Et quia &c. in Querela pd' ad &c. Et quia

Declaration upon a Bond.

* Note, the *Alias dict'* ought to be *literatim* as in the Bond as near as may be resembled by the Court-hand.

Pleadwell p Quer } Pleg.
Cunningham p Def.

De

Declaration upon a Bill Penal.

tradic Ad dampnū ipius A. 20 l. Et inde produc sectam, &c.

Declaration upon a Bill without Penalty.

If it be upon a Bill without Penalty.

Note, if the Goods were ſold by the pound or hundred, &c. [*ad rotulum & pretia* 20 *s. pro qualibet Libra* (or as the caſe is)

An Declaration.

An Indebitatus computavit for Wares and Merchandizes.

*Sup' Com' &c. quod cum (the Defendant) vic' &c. Anno &c. [ad] [or] [apud] [Civitat'] London (or Middlesex) [or] [Civitat'] Eborum (or Civitat' Lincoln) [or] [Villa] Cantebrigiæ (or Villa Oxon') [or] [Villa] Bristoll' (or Villa Southampton') [or] [Villa] Exon' (or Villa Salop') [or] [Villa] Norwic' (or Villa Coventr') [or] [Villa] Yorke (or Villa Glouc

* Or you may say, *computasset cu' eodem quer' de & concernend' diuersis summ' summis tiã quer' per pref at' Def. ante tunc debit' pro diversis Bonis & Marchandizis de eodem quer' per pref at' Def. ante tempus illu. empt' & vsit' & recept' & insuper Comp illo, &c.*

tro & insolue existen' * Et sup Compõ illo pñ C. ad tunc & ibm debent fuisse Arrerag' ergo pñe A. in al digine Libris filis Mone Angl Et sic in Arrer Bene existen' pñ C. in Com liberatione inde apposita Et

pref at' De
& insolu
super Comp

Sons A.

A. P̄d̄ queritr̄ de C. D. in cuſtod̄ Hart, &c. p̄ eo videlt qd̄ cum p̄d̄ A. (ſuch a Day and Year) apud C. in Com p̄d̄ ad ſpial inſtanc & requiſicon ipſius C. ipm̄ C. de quodam vulnere in Capite ſuo tunc exiſtēn curaret ſuſp ſe aſſumpſit & eidem A. adtunc & ibm fidelit promiſit qd̄ ipe idem C. tanc Denar ſumd quanc p̄d̄ A. p humōr cura vulnis p̄d̄ rōnabilit meretr eidem A. cum inde poſtea requiſit eſſet bene & fidelit ſolvere & tantentare vellet. Et p̄d̄ A. in fact dicit qd̄ ipe promiſſion & aſſumpcon p̄d̄ C. in forma p̄d̄ fact fidem adhibens poſtea ſcilt— (ſuch a Day and Year) apud C. p̄d̄ in Com S. p̄d̄ curabit p̄d̄ C. de vulnere p̄d̄ Et p Cura ill rationabilit merute Quing Libras legit monete Angl & inde adtunc & ibm debit eidem C. noticiam. Quantum meruit.

After this you may add by Cumq; etiam an indebitatus aſſumpſit p̄d̄ Medicamentis, &c. thus.

Cumq; etiam p̄d̄ C. poſtea ſcilt eidem (the Day and Year) ult ſuprdict apud C. p̄d̄ in Com p̄d̄ indebitat fuiſſet eidem A. in al Quing Libris p̄o uberib Medicamene Emplaſtris Unguentis

ac al Mercimonijs eidem C. p pō A. ante tunc vendic & delibat pdēm C. &c. inde indebitat existit pō C. in comde. rac inde pollic fecit eidem Die & Anno &c. (supra) sup se assumpsit & &c. (as in the Declaration next before.)

And so you may lay a Quantum bene valent p diversis Medicamenē, &c. sold and delivered
sup se assumpsit eidem A. adtunc & ibm
&c. ac pmisit & agit eidem C. tam Denar
summa quam Medicamenē, Emplastr
Unguent & &c. al Mercimon pō tempore
venditionis & deliberacōis eor. inter
bilic valerent eidem A. cum inde po
stea requisit. esset hanc & hactē solven
& contentare vellet. Et idem A. in fa
dic. qd Medicamenē, Emplastra Unguen
& al Mercimon pō tempore venditionis
& delibatiōis eor. inter valentibus bal
bant ad al Quing Libras legis Monet
Angl. Unde idem C. postea scilit eisdem
diem Anno & Loco habit noticiam pdcā
rationem C. sepal pmissiōn & assumpcōn
suas pō in se curans seb mentitus &c.
(as in the Declaration last before.)

And the laying it so many ways is
that you may be sure to hit upon one

of the Promiſes; And ſo one may join ſeveral * Cauſes of Wrongs in one Action or Narr' ſo they be of one Nature, and againſt one Perſon; ſo one Action of the Caſe for divers Promiſes. But Debt, and Treſpaſs and Wrongs cannot be joined together in one Action, though againſt one and the ſame Perſon.

* As Debt and Detinue may be joined together.

Indebitatus Aſſumpſit For Fleſh Meat.

[illegible]

For Bread.

[illegible]

For Monies borrowed.

[illegible]

Ejectment.

Middl ff.

A. B. queritur de C. D. in custod Marr, &c. pro eo videlt Qd cum E. F. Ded 10° die Jan Anno Regni Dnd Willi & Dne Marie nunc Regis & Regine Angl, &c. scdo apud Westm in Com pd dimisisset concessisset & ad firm tradidisset plac A. quinque Mes suagia & quing Tenta (reciting the Parcels) cum pertin scituat jacen & existen in Parish (the place where) in Com pd hend & tenend Tenta pd cum pertin plac A. & Assign suis a prim die Januarij tunc ulc ptic ulq plenu finem & termin quing annor extum pxor' sequen & plenar complend & finiend virtute cujus quidm dimissionis idem A. in Tenta pd cum pertin in trovit & fuit inde possessionat quousq pd C. postea scilt eodem decimo die Jan Anno scdo supdco vi & armis, &c. in Tenta pd cd ptin in & sup possession ipius A. inde intravit & ipm A. a fir ma sua pd Termio suo pd inde penitus finit ejecit expulit & amovit, ipseq; A. sic inde eject expuls & amot a pos sessione sua inde extraxerunt & adhuc extrahunt Et alia enormia ei intul

E 3

Ejum intulit contra Pacem dict. Dnd Regis & Dne Regine nunc. Et ad dampnd ipius A. Decem Libi Et inde produc sectam, &c.

Pleadwell p Quer
Cunningham p Def. } Pleg, &c

Note, this Ejectment being usually to try a Title, the first Defendant is some Friend to the Plaintiff; and at the bottom of this Declaration or backside, in his Name, notice is given to the Tenant in possession to defend his Title after this manner.

Mr. *Haldfast*,

YOU may perceive by this Declaration in Ejectment, I am sued for the Premises, or for some part thereof, to which I have no Title. If therefore you claim any thereto, and intend to defend it, you must appear the next *Michaelmas* Term, in their Majesties Court of *King's Bench* at *Westminster* by some Attorney of that Court, and make your defence, otherwise I shall suffer Judgment to pass against

me by default, and you will be turned out of Poſſeſſion.

30 *Julij* 90. Yours, *C. D.*

If the Tenant appear he muſt enter into a Rule to confeſs the Leaſe, Entry and Ouſter, and is made Defendant in the Declaration in the room of the other Defendant, and muſt plead not Guilty, and inſiſt upon his Title only at the Tryal, *&c.* Otherwiſe Judgment may be entred by default.

So if he appear not, Judgment will paſs againſt the firſt Defendant by default.

And then a Writ of Poſſeſſion iſſues out. As you may obſerve in the Judgment before entred in Ejectment.

Declaration in Treſpaſs for Breaking his Cloſe, Eating up and Treading down his Graſs, with a Continuando.

A. D. queritur &c. In Cuſtod &c. de eo &c. Et unde &c. primo die Maij Anno Regni Dñi Regis &c. Anno Regni Dñe Regine nunc &c. Et Anno Dñi &c. tertio &c. Et armis &c. Cum quibus &c. vocat. Whiteacre Anno &c. in Dom &c. fregit & intravit Et herbam ipius &c. ad valenciam &c. Et alia Bona & Catalla ipius &c. tunc ibm inventa Conculcavit & pedibus ſuis Equis Equabus Bactis Pecis &c. Et al bidentibz depaſc fuit conculcavit & conſumpſit Tnsgr pd quoad pd depaſc conculcacon & conſumpcon Herbe pd a pdco primo die Maij Anno ſupdco uſq primd die Maij extunc pr' ſequend diverſis diebz & vicibz continuando Et alia enormia ei adtunc & ibm intulit Ad grave dampnd ipius A. Et contra Pacem dicte Dnd Regis & Dne Regine nunc Unde idem A. dicit qd deteriorat eſt Et dampd bet ad valenciam Quadraginta Libarn Et inde pducit ſectam, &c.

In Assault and Battery.

Sodes ſſ.

A. B. queritr de C. D. in cuſtod Mari, &c. de eo qđ ipđ prima die Maij Anno Regni Dnd Willi & Dnæ Marie nunc Rß & Anæ Angl, &c. quarto vi & armis videlt Gladijs Baculis & Cultellis in ipm A. apud E. inſule fecit & ipm verbavit vulneravit & maletractavit ita qđ de vita ejus maxime deſperabat. Et alia enormia ei abtunc & ibm intulit contra Pacem dict Dnd Regis & Dnæ Regine nunc Ad dampđ ipius A. 20 l. Et inde prđuc ſectam, &c.

THE

THE Common Pleas.

Instructions for Precipes.

A Young Clerk in the *Common Pleas* will have little or nothing to do in filling up Writs for the firſt Proceſs, there being proper Offices for that purpoſe, as the *Curſitors*, *Philizers*, &c. Therefore we will proceed to ſuch things as may be his Employment.

But you may obſerve, That the Inſtructions for the firſt commencing of a Suit in the *Common Pleas* is by a Precipe, to be drawn upon Paper after this manner, and it ſerves both for the Original and Capias.

As

As in Debt.

London ſſ.

Pr A. B. nup de London Gen qd reddat C. D. 200 l. Or ree tres Trin Cap ree tres Mich.

Note, the Original is the Warrant to every Capias to Arreſt, and the return of the Or is the Teſte of the Capias.

But if you ſet down the return of your Capias, the Philizer of Courſe takes care for the reſt.

Note, if it be upon a Speciality, as Bond, Bill, *&c.* you muſt draw up your Pæcipe with an alias dictus, as it is in the Bond or Bill literatim; and if it be upon an Indenture, the alias dictus muſt be reciſed literatim as in the Indenture.

Note, in a Writ you may have four Defendants, yet you can have but one Plaintiff in a Writ, unleſs it be in a Joint Action.

If you would have 2, or 3, or 4 Defendants in one Original (more you cannot have) then draw your Pæcipe thus.

A London

London ſſ.

Pſi A. B. nup de L. Gen. qd reddat A. B. 10 l. Pſi C. D. nup de L. Husbandman qd reddat eidem A. B. 20 l.

Or thus in Debt.

Milles ſſ.

Si A. B. &c. &c. pond. &c. C. D. nup de L. in Com Gen Clm treſp apud G. Acciam in Cas ſuj Alſ. p 20 l. rer Quib Pas.

Or thus for Book Debt, or Promiſes.

Acciam in nro p 20 l. rec. And ſo of the reſt. And if any be in Treſpaſs you name Him, his Place and Addition, and then ſay, Clm treſp apud L. rer Quarum Pas.

Writing in Treſpaſs.

London ſſ.

Si A. B. &c. &c. tunc pone, &c. C. D. nup de L. Yeoman de plito quare vi & armis clm & domos ipius A. apud L. fregit. Et al enormia ei intulit. Et grave damnum ipius A. Et contra Pacem, &c. Vi rec. & Clm.

In

In Assault and Battery.

Londod ſſ.

Si A. B. ſec. &c. tunc pone, &c. C. D. nup de L. Yeoman de vi & armis in ipm A. apud L. inſule fecit & ipm verbavit vulneravit & maletractavit ita qd de vita ejus deſpabat. Et alia enormia ei intulit. Ad grave dampnm ipius A. Et contra Pacem, &c.

In Account as Receiver.

Surr' ſſ.

Pzec' C. D. nup de E. in Com pd Sed qd reddat F. G. rationabilem Compum ſuu de tempoze quo fuit Receptoz Denar ipius F. &c.

If as Bailiff, then as before, to de tempoze quo fuit Ballivus ipius F. in E. &c.

If as Bailiff and Receiver, then—de tempoze quo fuit Ballivus ſuus in E. Et Receptoz Denar ipius F. &c.

In Detinue.

Londa ſſ.

Pl' C. D. gen de E. in Com pd Yeoman qd reddat F. G. unam Equam unam

unam Vaccam (as the Caſe requires) pr̃ecij 10 l. quas ei injuſte detinet, &c.

In Annuity.

Sonis ſt.

Pr̃ C. D. nup de C. in Com pd̃ Yeoman qd̃ reddd̃ ℔. G. 100 l. que ei arretro ſunt de quodam annuo reddit̃ Al. quas ei debet & injuſte detinet, &c.

In Covenant.

Sonis ſt.

Pr̃ C. D. nup de C. in Com pd̃ Yeoman alias dict̃, &c. (literatim as in the Indenture) ad reſpond̃ ℔. G. de plito qd̃ teneat ei conbene int̃ eos fact̃ ſcdm vim form̃ & effect̃ quarundam Indentur̃ inter eos confect̃, &c.

In Caſe.

You may either ſay generally de plito tranſgr' ſup Calum rec, &c. Or if you intend to have a Special Bail, and to go to Trial the ſame Term, then ſay de plito Quare cum, &c. (ſetting forth ſpecially the Cauſe of the Action) Ad dampn̄ ipius A. 59 l. rec, &c.

In

In Ejectione Firmæ.

Midd ſſ.

Si A. B. &c. tunc pone, &c. C. D. nup de E. in Com pd Yeoman Alſo reſpond pfat A. W. de plito quare vi & armis und Meſſuag & xx Acr Terre cum pert in E. que J. G. pfat A. dimiſit ad termin qui nondum preterijt intravit Et ipſum a Firma ſua pd ejecit Et alia Enormia, &c. Ad grave dampn, &c. Et contra Pacem, &c.

For Declarations ſee at the end of this Treatiſe.

How to make up an Iſſue.

Iſſues, &c. The *Common Pleas* uſe no Memorandum only in Special Caſes (as in a Bill againſt an Attorney) but after the Term, being written, and the Prothonotaries name, in whoſe Office they enter, they begin with the Declaration thus.

Pat

Pleas of Writs & Mattr. Cook.]

Lomis ſi.

A. B. nup de C. in Com̃ pd Yeoman attach fuit ad reſpondend D. E. de plito tr̃ſgr̃ ſup Caſum. Et unde idem D. P. p̃ſ. C. Attorn ſuus queritr Quare cum, &c. (ver batim as in the Declaration.)

Note, in Debt, Covenant, Account, Aſſumpſit, &c. Annuity, Detinue and Replevin, the *Common Pleas* form is ſummonitus fuit ad reſpondend, and in Caſe, Treſpaſs, Trover and Ejectment, the form is attachiatus fuit ad reſpondend, &c.

Having written the Declaration, you muſt begin a new Line, and obſerve that the *Common Pleas* doth rarely continue any Imparlance in their Entries; though at the bottom of their Declaration they uſually give a Li. Lo. to the next Term.

Non Aſſumpſit.

Et pd A. B. p̃ P. J. Attorn ſuum ven & defend vim & injur quando, &c. Et dicit q̃d non aſſumpſit ſup ſe modo & forma prout pd C. ſuppoſ. verſus eum queritr Et de hoc pon ſe ſup Pziam Et pd C. ſilit J̃o precept eſt

Vic

Dic qd̄ Venire fac hic in Octab Purificationis bte Marie duodecim, &c. p quos, &c. Et qui nec, &c. ad Recogn̄, &c. Quia tm̄, &c.

Non Cul in Case.

Et p̄d̄ A. &c. quando, &c. Et dicit qd̄ ipē in nullo est Culpabilis de p̄missis sup̄ius et imp̄ōit̄ p̄out p̄d̄ C. sup̄ius versus eum queritr Et de hoc pon̄ se sup̄ Pr̄iam Et p̄d̄ C. filic Jō p̄cepit̄ est Dic, &c. as before.

Nota, if in Trespas, then Et dic qd̄ ipē in nullo est Culpabilis de trasgr̄ p̄d̄ p̄out, &c.

Nil debet p Pr̄iam.

Quando, &c. Et dicit qd̄ ipē non debet p̄fat A. B. p̄d̄ 20 l. nec aliquam denar̄ sum̄ in forma qua idem A. sup̄ius versus eū narravit Et de hoc pon̄ se sup̄ Pr̄iam Et p̄d̄ A. filic Jō, &c. ut in al.

Non est Factum to a Bond.

Quando, &c. Et dicit qd̄ ipē de Debo p̄d̄ virtute scripe p̄d̄ obarr̄ non debet quia dic qd̄ scriptum illud non est Factum sum̄ Et de hoc, &c, ut in al.

To

To a Bill.

Et dic Qđ ipd de debo pđ virtute bille pđ cūart non debet Quia dic qđ bilta ilt non eſt Factum ſuū Et de hoc ——

—— An ſo of an Indenture mutatis mutandis. —— —— ——

How to make up the Record.

The *Common Pleas* write their Plita in the ſame ſmall hand they write the reſt of the Record, *viz.*

Plita apud Weſtm coram Georgio Treby Mil & Sociis ſuis Juſtic Dñi Regis ad Pleā de Banco de Termino Scē Hillarij Anno Rēgni Dñi Willi & Dñe Marie Dei Grā Angl Scot Franc & Hibnie Regis & Regine fidei Defens, &c. quarto & quinto.

Roſlo.

Then beginning a New Line near half an Inch diſtance, enter the Declaration as follows.

Bonis

*

[the day of the Aſſizes] apud [the place where the Aſſizes are held] in

Sotus.

A. B. nup de C. in Com pd Gen attach fuit ad respondend D. E, de plito Trespi sup Casum. Et unde idem D. per F. G. Attorn suum Queritur cum Quarto &c.

To the end of the Issue. Inde fuit, &c.

Note, the *Common Pleas* write their Pleita but once, except death or change of Chief Justice, and then after their Issue another Pleita, and begin their Jurata within half an Inch this,

Sotus.

Jur inr D. E. Quer Et A. B. nup de C. in Com qd Yeoman de Plito trespi sup Casum ponit in respond hic usq; in Crastin Pacche Dñi Justic Dñd Regis & Dñe Reg apud Assizas in Com pd capiend assign p formam Statuti, &c. du [the day of the Assizes] apud [the place where the Assizes are held] in

in Com̃ p̃d p̃xius ven̄ p̃x dekem Jur̃ Sancta huic ven̄ ā die beat̃ Trinit̃, &c. Et sciend̃ est q̃d hꝛ inde Justic̃ hic in Cur̃ ista eod̃ Termio deliberab̃ Deputat̃ die p̃d in forma Juris exequend̃ &c.

If your Jurata be in *London*, then say,

London ss.

Jur. &c. (as before) ponit̃ in respect̃ hic isto [the very next Day after the Sittings, if in Term, if after Term, then to the next Return Day of the next Term] ā] in Octabis Pasche Anno Regni Regis Georgii &c. coram [the Chief Justice] apud Westm̃ &c. Et Sciend̃ q̃d Vic̃ fec̃ Jur̃ istam de Vicineto hui⁹ Com̃ p̃ sorum Sacrum, &c. die [the Day of the Sittings] apud Guildhall London p̃d p̃xius ven̄, &c. (as before to) deliberab̃ A. B. &c. [name the Undermens Name] Deputat̃ die London in forma Juris exequend̃, &c.

If in Mid. your Jury (&c.) apud Westm̃ p̃d in Magna Aula plitorum vulgariter nuncupat̃ Westminster Hall ibm̃ (&c.) p̃xius ven̄, &c.

The form of a Venire Fac in Coi Banco.

WIllus & Maria Dei Gra Angl Scoe Franc & Hibnie Rex & Regina Fidei Defensor, &c. Vic S. salt̃m p̃cipimus tibi q̃d Venire Fac coram Justic nr̃is apud Westm in Octab Purificacon̄ ꝓxime Marie duodecim Liberos & leges hoies de Vicñ de C. in Com tuo quor̃ quilibet habeat quatuor Libr̃ Terr Tenent vel Reddit p Ann̄ ad minus p quos Rei veritas melius Scirj poterit Et qui nec D. C. Quer nec A. B. nup de C. in Com tuo Gen * aliqua affinitate atting ad faciend̄ quandam Juram̄ Pñd inc Partes p̃d de plito transgr [as the Cause of Action is] Quia tm̄ idem C. (who first takes Issue) q̃d p̃d A. inc quos inde Contentio est posuer se in Juratam ill Et habeas ibi nom̄a Jur Et hoc ꝓcept Teste. G. Treby apud Westm 12° die Januarij Anno Reg̃ nr̃i Quarto.

* Note, if it be upon a specialty you must put in the *alias Dist'*.

The

The Form of a Heas Corpora.

WIllus & Maria Dei Gra Angl Scor Franc & Hibnie Rex & Regina Fidei Defens, &c. Vic S. Salm pcipimus tibi qd heas corpam Justic nris apud Westm a die Pasche in quindecim dies vel corpam Justic nris ad Assias in Com tuo capiend assign p corpam manu Statute inde pvisa fi die [the Day the Assizes are held] apud, &c. [the place where] in Com tuo pfat vel Corpora A. B. C. D. &c. &c. (naming the Jury return'd on the Panel) Juratos in Cut vra corpam Justic nris apud Westm inr D. E. Quer & M. B. in Com tuo Gen de placito transgr ad facien Juratam illi⁹ Et habeas tibi hoc bre. Teste G. Treby apud Westm xxi. die Februarij A°. r. n. Quinto.

The form of a Subpœna ad Testificandum.

WIllus p Maria, &c. A. S. &c. E. F. & G. Vobis dicimus præcipimus & firmiter vobis & cuilibet vestrum injungendo & quo vobis aliisve prætermissis & omnibus aliis quacunque causa in præmissis vobis ad Assisas apud [the Place where the Assizes are held] in Com. S. die [the Day when the Assizes are held] proximo futuro venire ad testificandum & veritatem dicendum in quadam Materia Controversiæ in Curia nostra coram Justiciariis apud Westm. pendente inter Johannem A. & B. nuper de C. in Com. S. Gen. Ex parte querentis ut dicitur. Et hoc nullatenus omittatis nec aliquis vestrum omittat sub pœna cujuslibet vestrum Centum Librarum Testis W. W. &c. ut in al.

A Subpœna Ticket.

M'. A. B.

BY vertue of a Writ of Subpœna to you directed, and herewith shewed unto you, you are personally to be and appear before their Majesties Justices of Assize on next, being the day of at of the Clock in the noon of the same day, at the Court then to be holden at to testifie the Truth, according to your knowledge, in a certain Cause now depending, and then, and there to be tried between D. E. Plaintiff, and A. B. Gent. Defendant in a Plea of Trespass on the part of And hereof you are not to fail on pain of one hundred pounds. Dated the day in the fifth year of the Reign of our Soveraign Lord and Lady *William* and *Mary*, by the Grace of God of *England*, *Scotland*, *France* and *Ireland* King and Queen, Defenders of the Faith, &c. Anno Dom. 1692.

If for *London* or *Mid'* then before *G. Treby* Kt. *&c. mutat' mutandis.*

How to make up the Rolls, and enter Judgments in the *Common Pleas*.

Make a Margent of an Inch, then rule your firſt Line about a Span from the Top of the Roll, and then enter your Declaration thus.

Bonis ff.

R. B. nup de C. in Com pd' Ged fund fuit ad reſpondend' E. F. de placito qd' reddat ei Centum Libras, &c. [And ſo on verbatim, as in the Declaration, to the end thereof] **Et inde profert Sectam, &c.** [And ſo conſequently the reſt of your Pleadings, beginning a new Line at each Plea, Replication, &c.]

How to enter up Judgments in Common Bayls by Nil Dic, Cogn' Actionem, and Non ſum Informatus.

And after you have entred your Declaration (as before) then beginning a new Line.

Nil Dicit in Caſe.

Et pd' R. B. [naming the Defendant] **p C. D. Attorn ſuu vend & defend' vim & injur quando, &c. Et nihil in barram ſive preclusionem Actionis pd' E. dicit p quod**

quod idem E, remanet sius pl̃as A, inde indefens —— Ob quod idem E, dampna sua occone p̃mis sius pl̃ac A. recupare debeat Set quia nescitur que dampna pl̃ E. sustinuit occone p̃mis ideo p̃cepe est Vic qd per sacr̃m proborũ & legium homiñ de Com p̃d diligenc inquirat que dampna p̃d E. sustinuit tm occone p̃mis qm̃ pro minis & custag suis p ipm̃ circa lectam suam in hac parte apposit Et inquisitonem quam inde fecit Vic constare faciat Justic Dñi Regis ad Dñm Regine apud Westm a die Pasche in quindecim dies sub sigillis, &c.

Writ of Inquiry of Damages awarded.

Here let down the day long from which signed this.

Nil Dicit in Trespass.

You write as above verbatim, only for the words [Occone p̃mis] you must say [occone trasgr̃ p̃d]

In Assaule

If in Assaule then [occone trasgr̃ & insule p̃d] if in Assault and Imprisonment occone trasgr̃ insule & imprisonamenti p̃d

In Covenant.

A Writ of Inquiry awarded.

Ut supra usque —— Ob quod idem E dampna sua occone Covenc̃ois p̃d inter ipm̃ pl̃ et ipm̃ def̃ recuperare debeat

debeat set quia nescitur, &c. (ut pr antea.)

In Assumpsit.

Octone non plozmacon ꝓmissionꝫ & assumtion ꝑd.

Nil Dicit in Debt.

Ut supra —— remand ꝑfus ꝑfat A. inde indefens Jō Consideratum est qꝺ ꝑd C. recuper ꝑfus ꝑfat A. Debitum suꝫ ꝑd & Dampna sua octone detentionis Debi ill ad quadraginta Solidos eidem quer ex assensu suo p Cur hic adjudicat Et ꝑd A. in mia, &c.

Here set down the day Judgment was signed. Mia'.

Nil Dicit in Ejectment.

Ut supra usque —— indefens Jō consideratum est qꝺ ꝑd C. recuperet ꝑfus ꝑfat A. Terminum suꝫ ꝑd de & in Maner & Tenīt ꝑd [according to the Parcels in the Declaration] cum pertin adhuc ventur & dampna sua octone tnsgr & Ejecton ill Set quia nescitur que Dampna ꝑd A. sustinuit occasione tnsgr & Ejectonis ꝑd Ideꝫ est Vic qꝺ p Sacrm proboꝝ & legalium hoīm de Com suo ꝑd diligent inquirat quæ dampna ꝑd C. sustinuit tm

A Writ of Inquiry awarded.

octone

actione tñsgr & Ejectionis ꝑd quo pra-
mißs & cuſtag ſuis per vim & in-
juriam in hac parte appoſitis &
Inquiſitionem quam, &c. hic conſtare
fac hic in Cröftō Sēd Crīd tum Gaſtlo,
&c. & aliis, &c. Idem dies dat eid
ꝑfat C. hic, &c. & ſuper hoc idem C.
per bꝰ Dñi Regis & Dñe Reginæ hic
Com ꝑd diligens de hiere faciend ei poſ-
ſeſſionem Terminū ſui ꝑd adhuc reſtat
de & in Manerio & Teñtis ꝑd cum per-
tin Et ei conceditr retornabile hic ad
ꝑfat Terminum, &c.

A Writ of Poſſeſſion awarded.

See for the Writ of Poſſeſſion after.

Pd Dicit cum remitr Dampn.

If your Judgment be with a remittit dampna, then after the words inde de-fend. add, Pd cons ei ꝑd C. recuper ꝑdis ꝑfat A. Terminū ſui ꝑd de & in Manerio & Teñtis ꝑd cum per-tin adhuc reſtat & dampna ſua occaſione tuam, &c. Et ꝑd A. capiat Et ſumme ꝑd C. gratis hic in Cur capiend ulterius non ſe ꝓſequi vult verſus ꝑfat A. de ꝑdict dampnis & occaſione tuam, &c. Et ꝑd adjudicand ſet dīo hic humor dampna ei ſic adjudicand gratis hic in Cur re-mittit & relaxat Jō ꝑd A. de eiſdem dampnis

dampnis sit quiet Et eat inde sine die, &c. Nihilominus pd A. ad finem cum Dno Rege & Dna Regina octone mngt & ejectionis ill faciend capiatr, &c. Et sup hoc pd C. pet hic Dni Regis & Dne Regine Vic Com pd dirigendi de hijs facien ei possessionem Termij sui pd de & in Manio & Tenis pd ed purtin adhuc ventur Et ei conceditr rationabile hic a die Pasche in quindecim dies, &c.

Cogn Accon.

Et pd A. p B. Attorn suu ven & defendi vim & injur quando, &c. Et dic qd ipe non potest dedicere Actionem pd C. pd nec quin ipe debet eidi C. pd 10 l. [if upon Bond, then say, Et dic qd ipe non potest dedicere quin scriptum obligatorium pd est factum ipius A. nec quin ipe debet eidem C. pd 10 l.] manu & forma prout pd C. supius versus eum narravit Jd Consideratum est qd pd C. recuper pdis suis pfat A. debitum suu pd & dampna sua octone detentionis debi sit ad 34 s. 6 d. eidi C. ex assensu suo p Cur hic adjudicat Et pd A. in mia, &c.

Sign' die An. W. & M. 4.

Mic.

If

If the Defendant hath pleaded per minas or p Dures to the Parr, and the Plaintiff replies qđ fuit ſui Juris ad largum, and Iſſue therson; and after this the Defendant is minded to confeſs the Action, then enter it thus,

Ad quem diem coram Dnō Rege & Dna Regina apud Weſtm venerunt partes prđ p Attorn ſuos prđ Et ſuper hoc prđ A. relicta verificatione ſua prđ p ipm ſupius ptens dic qđ ipe non poteſt dedicere actionem prđ C. prđ nec quin ipe tempore confectōn ſcripti prđ fuit ſui juris ad largum Et ſcriptū illud ex mera & ſpontanea Voluntate ſua ptar C. fecit & non ab metu minarum prout ipe prđ A. interius allegavit Jō Cons eſt qđ prđ C. recuperet, &c. ut antea.

If after non eſt factum pleaded, then ſay as next before uſq; Nec quin ſcriptum prđ ſit factum ipius A. nec quin ipe debet ptar C. 10 l. modo & forma put prđ C. ſupius verſ eum queritr Jō, &c. (ut ſupra.)

Non fum Informatus in Caſe.

Et pd A. B. p C. D. Attorn ſuu vem & defend vim & injur quando, &c. Et idem Attorn dic qd ipe non eſt inform p eund A. Magrm ſuu de aliquo re-ſpons pro eod A. plac C. in loquela pd dand Et nichil aliud inde dic p qd idem C. remanet vers plac A. inde in-defens — Ob quod idem C. dampna ſua occone pmiſs oſus plac A. recupa-re deberat ſet quia neſcit qe dampna pd C. ſuſtinuit occone pmiſs ꝓcepe eſt tic qd p ſacrm pbor & legliu hom de Cond pd diligenc inquirat qe dam-pna pd C. ſuſtinuit eid occone pmiſs qd pro miis & cuſtag ſuis p ipm circa ſe-cam ſuam in hac parte appoit Et In-quiſicionem quam inde fecit Dic conſta-re facias Juſticiariis Dnd Regis & Dnd Regine apud Weſtm a die Paſche in quindecim dies ſub ſigillo, &c. Et ngillis, &c.

Writ of Inquiry awarded.

In Covenant.

Write as above uſq — Ob quod idem C. dampna ſua occone fracconis Con-ventiond pd verſus plac A. recupare de-beat Set quia neſcit qe dampna idem C. ſuſtinuit occaſione fracconis Conven-

tiond

tond p̄d̄ p̄cepe est Vic qd̄ p sacrm̄ p̄bor4. & legal̄ homin̄ de Cand p̄d̄ dilig̃ enc̃ inquis̄, &c. (ut antea.)

In Debt.

Write as first above usq; ——— inde in-defens̄ Jd̄ Cons est qd̄ p̄d̄ C. recuper glus p̄lac̄ A. debum sud̄ p̄d̄ & dampna sua occone detenconis Debi ill̄ ad 33 s. 4 d. eidem C. ex assensu sud̄ p Cur̄ hic adjudicat Et p̄d̄ A. in mia, &c. Mia'.

In Ejectment.

Write as above usq; inde indefens̄ ——— Jd̄ Consideratū est qd̄ p̄d̄ C. recuper glus p̄lac̄ A. Terminum sud̄ p̄d̄ [or possessionem Terr̄ sui p̄d̄] de & in Manis & Tenitis p̄d̄ cum pertin adhuc ventur̄ accetiam idem C. dampna sua occone Custgi & Ejectionis p̄d̄ recuperare debeat Et quia nescitur quae dampna idem C. sustinuit occone custgi & Ejectionis p̄d̄ p̄cepe est Vic, &c. (as before in Jd̄ dem in Ejectment.)

If you have occasion for a Writ of Damages enter as before by Jd̄ dicit, &c.

In Trespass.

The same as first above, only for (occasione p̄dict̄) you must say (occasione custgi p̄d̄ p̄dict̄) Writ of Inquiry.

In

In Treſpaſs and Aſſault.

You muſt ſay — ocõne Cuſtagi & inſule põd'.

In Treſpaſs Aſſault and Impriſonment.

Ocõne Cuſtagi Inſule & Impriſonament põd'.

Wrd de Inquir.

A Writ of Inquiry.

WIllus & Maria Dei Gzã Angl Scoc Franc & Hibnie Rex & Regina Fidei Defens, &c. Vic S. ſaltem Cum A. B. nup de C. in Com tuo Yeoman attach eſſet eſſendi in Cur nrã coram Juſtic nris apud Weſtm ad reſpondend' C. D. de placito Quare cum, &c. (as in the Original or Declaration to) Ad dampnũ ipius C. Viginti Libzarum ut dicit' Talicq in ead' Cur nrã proceſſũ eſt qd' põd' C. dampna ſua ocõne põnils vers pfat A. recupare debeat Set quia neſcit' que dampna põd' C. ſuſtinuit occaſione põnils Tibi pcipimus qd' p ſacrm pbor & legium homin de Com tuo diligent' inquir que dampna idem C. ſuſtinuit tm ocõne põnils qm p Mis & Cuſtag ſuis p ipm circa ſectam ſuam in hac parte appoſit Et inquiſitionem quam inde feceris cõ-

ſtare

ſtare fac' Juſtic' nris apud Weſtm [the Return] ſub ſigillo tuo & ſigillis eor' p quor' ſacrm Inquiſition' ill' feceris Et habeas ibi nom' eor' p quor' ſacrm Inquiſicon' ill' feceris Et hoc bvd Teſte Georgio Treby Mil' apud Weſtm 13°. die feb. A°. r. n. quinto.

Ca. 3da.

In Caſe hoc Aſſumpſit.

WIllus & Maria Dei Gra Angl Scot' Franc' & Hibnie Rex & Regina Fidei Defens, &c. Vic' S. ſaltem capimus tibi pd' capias A. B. nup' de C. in Com' tuo Yeoman ſi inven' ſuit' in Ballia tua Et eu' ſalvo cuſtod' ita qd' habeas corpus ejus coram Juſtic' nris apud Weſtm —— Ad ſatisfaciend' C. D. de Decem Libris & novem Solid' qui eidem D. in ead' Cur' nra coram Juſtic' nris apud Weſtm adjudicat' fuit p dampnis ſuis que fuit occone cujuſdam promiſſion' & aſſumpcon' eidem D. p pfat' A. in Com' tuo fact' non ptormat' Unde conbicc' eſt Et habeas ibi hoc bvd Teſte G. Treby, &c. (ut in al.)

If in Covenant,

Say as before, and after the words p dampnis ſuis que fuit, ſay occone cujuſdam Convention' inr' eos fact' ſcdm

vim formam effect' quarand' Indentur [or quod' dict' Articlos as the Case is] inter eos confecte fuer Unde convict' est Et heas, &c. (ut in al.)

Ca Sa in Debt.

Ad satisfaciend' C. D. tam de quodam Debito Viginti Libr' quod idem C. D. in Cur' nra coram Justic' nris apud Westm' recuperavit vers' eum quam de Triginta & Quatuor Solid' qui eid' C. D. in eadem Cur' nra adjudicat' fuer' p dampnis suis que habuit occasione detentionis Debi illi unde Convict' est Et heas ibi hoc bd' Teste, &c. (ut in al.)

Testatum Ca Sa.

Write as before in the other Ca Sa (only directing to another County) usq; ——— Unde Convict' est Et unde Vic' nr' S. mand' Justic' nris apud Westm' in Crā * Alcestercon' Dnō ule pīce qd' pd' A. B. non est invent' in Ball'a sua Cum testatum sit in ead' Cur' nra qd' latit' vagat' & discurr' in Com' tuo Et heas (&c.) Teste (&c.)

* The return in the first Ca' Sa' upon which the *Testatu'* is grounded.

Ca

Ca Sa in Trespass and Assault.

Ad satisfaciend' C. D. de Decem Libris que eidem D. adjudicat fuer' p Dampnis suis que sustinuit occasione quarundm Cnsge' & insule in ipm C. D. p ptat A. Vi & Armis ac contra Pacem nram apud B. in Com tuo facte Unde convict est Et habeas ibi hoc bze Coste, &c. (ut in al.)

Upon a Nonsuit in Case.

Ad satisfaciend' A. B. nup de, &c. Gen de Centum Solid' qui eid' A. B. in Cur' nra coram Justic nris apud Westm p discretion eorundm Justic nrorum adjudicat fuer' p mis & custag suis que sustinuit in quodam plito Cnsge' sup Casum p ptat C. D. sus eund' A. B. in ead' Cur' nra impetrat secdm cozmam Statuti inde edit & pzovis erga partes Quer' que bzevia sua in humoi plitis non pzos aut in eisdem pzeclus cozent Unde convict est. Et habeas ibi hoc bze Coste, &c. (ut in al.)

Bille in Debo.

Ad satisfaciend A. B. nup de, &c. Gen de Centum Solid qui eidm A. in Cur nr̄a coram Justic nr̄is apud Westm p discretionem cor̄ dict Justic jurta formam Statuti inde edit & pvis adjudicat fuer p mis & custag suis que sustinuit pro eo qd p̄d C. D. non est plecue hic sup p eundem C. in quodam plito Debi sup demand 40 l. Unde plur plac A. in Cur nr̄a impetrac Unde convict est Et heas, &c. (ut in al.)

Upon the Plaintiffs Non Suit at the Assizes.

As next before usq; — p mis & custag suis que sustinuit p clo Clamore p̄d C. in quodam plito Debi sup demand 40 l. p eund C. Unde plur plac A. in Cur nr̄a prosecut Unde convict est Et heas, &c. (ut in al.)

Upon a Non Suit in Ejectment.

Say as before in Debo usq; —— p mis & custag suis que sustinuit pro eo qd p̄d C. non est prosecut hic sup in quodam plito trāsgr & Ejectcon Firme p eund C.

Unde

glus ꝓfac A. in Cur nrꝝ ꝑ impetrat unde Convict est Et beas, &c. (ut in al.)

Upon a Non Suit in Trespass.

As next before, only say — que sustinuit ea qꝫ ꝑ C. non est ꝓsecue hꝫ suꝫ in quodam plito trꝫsgr ꝓ ipꝫ C. &c. (ut in al.)

Cd Sd against an Executor de Bonis propriis upon a Devastavit returned by the Sheriff.

Saltem ꝓcipimus tibi qꝫ capias E. F. Executorem Testamenti A. B. si inuent suit in Ballia tua Et eum salva custodi ita qꝫ beas Corpus ejus coram Justic nris apud Westm — Ad satisfac C. D. tm de quodam Debito Libr quod idem C. in Cur nrꝝ coram Justic nris apud Westm — recuperavit verꝫ ea qꝫ de eo Salis & sex Denar qui eid C. in cad Cur nrꝝ adjudicat fuer ꝓ dampnis suis que habuit actone detenron Debi ill unde convict est. Et unde Cons est in eadem Cur nrꝝ qꝫ ꝑ C. heat Executionem fieri ꝓfac E. F. Executorem de Debito & Dampnis ꝑ de Bonis & Catallis

ipius C. f. propr levandi Et ꝙd ꝓd C. f. diversa Bona & Catalla que fuer ꝓfat A. B. Testatoris tempore mortis sue ad valenciam Debi & Dampnor. ꝓd que ad manus ꝓd C. f. post mortem ꝓd A. B. administrand debener devastabit Et in usu suu propr converrit & disposuit prout ex ipo Julie nris apud Westm (such a Roum) vle plemanū Et hoas ibi hor bre Teste, &c. (uc in al.)

Fieri facias in Case fur Promiss non plezmat.

Willus & Maria Dei Grā Angl Scot Franc & Hibnie Rex & Regina Fidei Defens, &c. Vic. S. salt. Tibi precipimus quꝙd de Bonis & Catallis A. B. nup de (&c.) in Vallia tua fieri fac Decem Libras que C. D. in Cur nra coram Julie nris apud Westm adjudicate fuer p dampnis suis que habuit occone quarundā promissionū & assumptionū eidem C. p ꝓfat A. apud C. in Com tuo fact non plezmat Et Venire fac hoas coram Julie nris apud Westm in Oct Scē Trin ad rndend ꝓfat C. de Dampnis ꝓd unde Convict fuit Et hoas ibi hor ꝓd Teste, &c.

Knigt

For Words.

Actione dictonis & Promiſſionis quor. dom verborum tranſgreſſor. p pd A. de plac C. apud C. in Com tuo Et Denar (&c.)

In Covenant.

Say as before uſq; ——— p̄o dampnis ſuis que huit actione cujuſdam Conventionis inc pd A. & plac C. facē ſcdm vim formam & effectum quor. dom Articulorum [or quarundam Indenturar. &c. as the Caſe is] inc eos conferr fract Et Denar ill bros, &c. (ut anten.)

In Debt.

Willus, &c. ut antea ——— p̄cipimus tibi qd de Bonis & Catallis A. B. nup de C. in Com tuo Gen in Balia tua fieri facias tam quoddam Debitum 40 l. quod C. D. in Cur nra coram Juſtic nris apud Weſtm recuperavit vers eum quam 30 s. qui eidem C. in eadem Cur nra adjudicat fuer p dampnis ſuis que huit actione detentionis Debt ill Et Denar ill bros, &c. (ut in ar.) ——— ad reddend plac C. de Debit & Dampnis pd ſimile cuplicē pd Et bros, &c.

In Ejectment for Damages.

Willus, &c. —— fieri fac 10 l. que C. D. in Cur' nrâ coram Justic nris apud Westm adjudicat fuer' p dampn' suis que sustinuit occone cujusdam Ens̄gr' & Ejectione Firme ptar C. p p̄d A. Vi & Armis & contra Pacem nram apud E. in Com' tuo illac Et Denar' ill' heas, &c. (ut antea in Case.)

In Ens̄gr'.

Occone cujusdam Ens̄gr' eidem C. p ptar A. Vi & Armis ac contra Pacem nram apud E. in Com' tuo illac Et denar' (&c.) de dampnis (&c.)

In Replo.

Occone captonis & injuste detenc̄onis Averior̄ ipius (Quer') apud E. in quodam loco voc' B. unde convict' est Et heas ibi, &c.

Testat' Fi Fa in Debt.

Write as before in a General Fi Fa in Debt usq; —— Convict' est Et unde Vic' nr' S. mandi Justic nris apud Westm in Quinden' Pas̄ iste p̄sens Ob̄ p̄d A. nulla bet Bona seu Catalla in Ballia sua unde Debm aut Dampn' p̄d aut aliquam inde parcell' fieri seu levari fa-

Sheriff of the County in the first Writ, and Return thereof.

cere potuer' Cum Teſtatꝝ ſit in eadem Cur' nrā Qd idem A. latiꝰ het de Bonis & Catallis in Comꝫ tuo unde Debum & Dampna pd̄ fieri & levari facere poſſint Et heas ibi hoc bꝛ Teſte, (&c.)

Fr Fa againſt an Adminiſtratrix.

Precipimus tibi qd̄ de Bonis & Catallis que fuer̄ R. G. qui obijt inteſtat ut dicitur tempoꝛe moꝛtis ſue in manibꝫ A. G. Dñi Adminiſtratricis Bonoꝝ & Catallorꝝ que fuer̄ ejuſdem R. exiſtēt in Ballia tua fieri fac̄ tm quoddam Debum 10 l. quod J. S. Ben in Cur nrā coram Juſtic̄ nriꝭ apud Weſtm recuꝑavit ꝯra eam qd̄ Digine Denar qui eidem J. in ead̄ Cur nrā adjudicat fuer̄ p dampnis ſuis que huit occaſione detencōis Debi illi ſi eadem A. tanta Bona & Catalla que fuer̄ pd̄ R. tempoꝛe moꝛtis ſue in manibꝫ ſuis adminiſtrand̄ heat Et ſi non heat tunc dampn̄ pd̄ de Bonis & Catallis pd̄ A. propr̄ levand̄ Et Denar, &c. (ut in al.)

And ſo of an Adminiſtrator, *mutat' mutand'*.

Note,

Note, if any Executor plead ne Unques Executor, and if it be found for the Plaintiff, the Fieri Fac shall be de Bonis propriis. But if he plead plene Administravit, and it be found for the Plaintiff, then the Fieri Fac shall be of the Goods of the Testator.

Fieri Fac vers Exec in Covenant.

Præcipimus tibi qd de Bonis & Catallis J. B. (&c.) in manibus W. B. & R. B. Executor Testi ejusdem J. B. in Ballia tua existen fieri fac tam Centum Libras que A. Y. in Cur nrâ coram (&c.) apud Westm adjudicate fuer p dampnis suis que duit occasione fractionis cujusdam Conventionis inter pfat A. B. defunct & pfat R. facte qd quidem Scriptum quæ eidem R. in eadem Cur nrâ adjudicat fuer p missis & custag suis p ipsum circa sectam suam in hac parte appos & ipsorum W. B. & R. B. tanta Bona & Catalla que fuer J. B. tempore mortis sue in manib; suis administrant habeant. Et si non habeant tunc dampn pd p p mis & custag suis de Bonis & Catallis ipsor pd W. B. & R. B.

R. B. ppr levand Et Denar ill, &c. (ut in al.)

Fieri fac p Defalc.

Unde Conbict eſt Et unde Cons eſt in eadem Cur nrā cozam Justic nrīs apud Westm Qd pō W. habeat execucionem verū plac T. p ipius T. defalc Et habeas, &c.

Fieri fac de Bonis ppriis quæ devastavit retorn p inquisicionem.

Willus, &c. saltem pcipimus tibi qd de Bonis & Catall J. S. Executor Testi T. S. in Ballia tua Fi. Fa. tnd quoddam Debum Centū & Seraginta Libraz. quod W. A. Ar in Cur' nrā cozam Justic nrīs apud Westm recupavit versus plac T. in vita sua qnd Seraginta Solidi qui eiā W. in Cur' nrā adjudicat fuer' p dampnis suis que huit occone detencoīs Debi ill Et Denar' ill heas cozam Justic nrīs apud Westm in Octab Sci Hill ad reddend plac Ill. de Debo & Dampn pō Unde pō T. in vita sua convict fuit Et unde Cons eſt in eād Cur' nrā cozam Justic nrīs apud Westm qd pō W. heat execucoīd verū plac J. de Debo & Dampn pō de Bonis & Catallis

tallis ꝓñ J. mopzijs levandꝰ p ipius J. delale eo qꝺ ꝓñ J. diversa Bona & Catalla que fuer' ꝓñ T. tempoze mozris sue in manibꝫ suis administrans ad Valenc Debi & Dampnoz. ꝓñ vendidit & ad usum sund pzopr' convertit & disposuit pur p quandam Inquisitionem indentat cozam Dob apud ——— (&c.) ——— die ———ule ꝓxim p Sacrm̃ probor. & legium homin̄ de Ballia tua tapt (a die Scꝺ Martini in quindecim dies) ule ꝓxim retornat cozam ꝓfat Justic nrꝺ apud Westm̃ de Recoꝛdo remanend plenius liquet & apparet Et preas ibi hoc pzꝺ Teste, &c.

Elegit

Elegit in Debo.

WIllus, &c. Vic' S. salt̃em cum A. B. nup in Cur' nr̃a coram Justic nr̃is apud Westm̃ p Cons ejusdem Cur' recuperasset vers̃ C. D. nup de, (&c.) tñ quoddam Debum Ducentar̃ lib̃r̃ quod Cent' Solid' qui ibi A. in ead̃ Cur' nr̃a adjudicat fuer' p dampnis suis que huic occone detenet Debi ill' unde Convict' est Idem A. postea ven' in ead̃ Cur' nr̃a Et p Statut' inde p̃vis Elegit sibi liberi omnia Bona & Catalla p̃d C. preter Boves & Affros de Caruca sua & fil' medietat' omiñ Terr̃ar̃ & Ten̄t̃or̃ suor̃ in Wallia tua Tenend' sibi Bona & Catalla p̃d ut Bona & Catalla sua propr' ac etiam tenend' medietat' p̃d ut liberum Tenementum suum sibi & assign' suis juxta formam Statuti p̃d quousq; Debm & Dampna p̃d inde levabit Et Ideo tibi precipimus q̃d omnia Bona & Catalla p̃d C. preter Boves & Affros de Caruca sua Et fil' medietat' omiñ Terr̃ar̃ & Ten̄t̃or̃ suor̃ in Wallia tua de quib̃ idem C. (in Cr̃o hoc Trin' Anno r̃nr̃ nr̃i Tertio) quo die Judicium inde reddit fuit vel unquã postea fuit

 leisit

leisit ꝑfat A. sine dilone libari fac̃ p
cõnabile ꝓtiũ & extenc Tenend sibi
Bona & Catalla ꝑd ut Bona & Catal-
la sua ꝓpria Ac etiam tenend medie-
tat ꝑd ut libum Tenemn sub sibi &
Alligd suis jurta formam Statuti ꝑd
quoulꝫ Debm & Dampna ꝑd inde leva-
ret Et qualit hoc ꝓcepe nrm fue-
rit extenc cmitare fac Justicc nrs
apud Westm a die Scd Michis in tres
Septimanas sub Sigillo tuo & Sigillis
eor̃ p quor̃ Sacrm Extenc & appꝛci-
atonem ill feceris Et pcas ibi noia
eor̃ p quor̃ Sacrm Extenc & appꝛe-
tatonem ill feceris & hoc hꝫ Teste
Georgio Treby Mil, &c.

Elegit for Damages in Trespass.

Cum A. B. nup in Cur̃ nr̃ coram
(&c.) p Cons ejusdem Cur̃ habeat sus
Ct D. nup de (&c.) execucionem de Vi-
ginti Libris que eidem A. in ead Cur̃
nr̃ adjudicat fuer̃ p Dampnis fals
quo sustinuit occone cujusdam Trespe
eidem A. p ꝑfat C. Vi & Armis ac con-
tra Pacem nr̃m apud C. in Com tnu
illat unde convict est Vem A. posset
vem in ead Cur̃ nr̃m, &c. (ut antea
usq;) quoulꝫ Dampna ꝑd inde levare
tis Jo tibi ꝑcipimus qd omnia Bona

C

& Catalla que fuer ꝑd C. (tli die) —— ulc hẽc quo die ꝑd A. exeuerd Judicij ꝑd prius est assecur. Et hinc medietat omiũ Terraꝝ & Tenꝰ de quibꝫ idem C. dve aliqua persona sibi plane ad usꝰ ipius C. (tli die) vel unquꝫ postea seisit fuit ꝑfat A. sine dilone deliuart fac &c. (ut antea.)

Elegit after an Elegit.

Willus &c. (as before, reciting the first Elegit usq;) —— quoulq; Debm & Dampna ꝑd inde leuabit. Et qualit illud precepꝫ mrũ fozes exeruc constare fac Justic mris apud Westm in Octab Scõi Hill usq; hẽc. Tuc Justic mris apud Westm ad diem illi mandi quandam Inquisicoñ coꝫ te apud Castrum Ebor (tli die) usq; hẽc. Et sacrũ duodecim, &c. capt ꝑ quam compt exitꝰ qd ꝑd C. fuit seisit de Mañio, &c. [reciting the Return of the Inquisition] tuꝫ quo ꝑd A. ven in cad Cur mrũ dicit qd ꝑd C. tempoze Judicij ꝑd reddit & postea fuit diversa Terras & Tenta in Comꝫ tuo ad annuũ valozem Quadraginta Libr ultra ꝑd Mañia, &c. in Inquisitone ꝑd supius spetificat Acciam possessionat fuit de diversis Bonis & Catallis

Catallis in Com̃ tuo ad valorem Triginta Libr̃ que tuipō extendi & appreciari ac ꝑfat A. libari potuisti Et Jō tibi ꝓcipimus sicut plur̃ tibi ꝓcepimus qd ois Bona & Catalla pd C. ꝓter Boves & Affros de Carucis sua & filie medietat omiū Terr24 & Tenēt24 ipius C. in Com̃ tuo ultrā pd Manēr in Inquisicōd pd supius spec de quib̃ idem C. tempore Judicij pd reddic vel unqm̃ postea scisit vel possess fuit necnon medietat pd Manerior24 in Inquisicone pd specificat ꝑfat A. libari fac ꝙ ronābile ꝓcium & extenc tenem̃ ut librum Tenēm̃ suū sibi & assignō suis jurta form̃ Statuti pd quousq; Debum & Dampna pd inde levaverint Et qualit hoc ꝓcepe nrm̃ fueris exercue constare fac Justic nrīs apud Westm̃ sub Sigillo tuo & Sigillis eor24, &c. (as before.)

A Writ of Poſſeſſion.

WIllus & Maria Dei Gra Angl' Scot' Franc' & Hibnie Rex & Regina Fidei Defens', &c. Vic' S. ſalutem Cum A. B. nup' in Cur' nr'a ra- tam Juſtic' nr'is apud Weſtm' p Con- ſideracionem ejusdem Cur' recuperaūt Terminū ſuū adhuc venturū de & in duobz Meſuagijs cum pertin' in C. in Com' tuo verſus C. D. nup' de T. in Com' tuo Gen' que S. H. Mil' primo die Aprilis Anno Regni nr'i tertio p̄fat' A. dimiſit habend' & occupand' Ceſta p̄d' cum pertin' ſibi & aſſignd' ſuis a vi- ceſimo p̄imo die Jan' tunc ulc' p̄x' ulq; plenum Finem & Terminū T̄rium Annor'. extunc p̄xor' ſequend' & plenar' complend' & finiend' qui nondum p̄terijt Et unde p̄d' C. ipm' A. a poſſeſſione ſua inde expulit & amovit ac eundem A. a Firma ſua p̄d' ejecit Et p̄d' tibi p̄cipimus Quō p̄fat' A. poſſeſſionē ſuam Terr' ſui p̄d' adhuc venturū de & in Ten'tis p̄d' cum pertin' ſine dilatione habere fac' Et qualit' hoc p̄cept' nr'm fu- eris execut' conſtare fac' Juſtic' nr'is apud Weſtm' in Crō Hen' Trin' Et habeas ibi hoc br'e Teſte, &c.

Fieri Fac for Costs.

If you add a Fi. Fa. for Costs after the return of the Writ say, —— Præcipimus etiam tibi quod de Terris & Catallis præd. C. in Ballia tua fieri fac. per Districtum & decens Solutionem quæ ei adjudicata fuer. per Nonnullos fuis quæ dicto actione mover. & Ejection præd. Et Denar. ibi levat. ratione Judicii nris apud Westm. ad præd. Termin. ad recidend. præd. A. per Nonnullos præd. unde convict. est. Et habeas ibi hoc præcept. &c.

Attach

Attach Privileg.

For an Attorney of the Common Pleas.

Willus, &c. Vic' B. salutem Attach C. D. &c. f. (&c.) ita qd eos habeas coram Justic' nris apud Westm' die ——— pr' post ——— ad respondend A. B. Gen' un' Attorn' Cur' nr' de Banco juxta libtat' & privileg' ejusdem Cur' p' humor' Attorn' ac alios ministrios de eadem Banco a tempore quo non extitit memoria inhibit' & ad probat' in eadem de plito trespi' Et habeas ibi hoc brev' Teste, &c.

For the Chief Prothonotaries Clerk.

Ad respondend A. B. Gen' un' Clerico Johis Cook Ar' Capitalis Prothonotar' un' Cur' nr' de Banco juxta libtat' & privileg' ejusdem Cur' p' humor' Clericis & ac ministrios de eadem Banco a tempore quo, &c.

Second Prothonotaries Clerk.

Ad respond A. B. un' Clerico Thome Winsord Ar' secti Prothon' Cur' nr' de Banco juxta libtat', &c.

Third Prothonotaries Clerk.

Ad respond' A. B. und Eliz' Willi Tempest Ar' untus Prothonotar' Cur' nrē de Banco jurta libtat', &c.

Certiorari p Attorn' de Cōi Banco.

WIllus, &c. Majori & Aldris Civ' London salt'm. Scitis nos Vobis qū omnes & singulas Causas quer', & demand' versus A. B. und Attorn' de Cōi Banco nrō coram Vob' de aliquo Brīd levat' inchoat' & pend' unacū die' levatōnis eaī und' beatis coram Justic' nris apud Westm' die Lune pr' futur' ut iidem Justic' nri quibus Causis illis facere valeant inde A. B. plenar' Justicie complemēt' jurta libtat' & privileg' hujus Attorn' a tempore qua non extat memoria hactenus usitat' & approbat' & beatis, &c.

Second Prothonotaries Clerk.

Ad respond' A. B. und Eliz' Willi Tempest Ar' untus Prothonotar' Cur' nrē de Banco jurta libtat', &c.

To remove a Plea into the Common Pleas.

Habeas Corpus cum Causa ad fac
& rec.

Willus, &c. Majori (&c.) saltem
(the Recits) Corpus &c. in Prisona
nra sub custod vra detent (ut dicitur)
dic & causa capcon & detencon ejusdem
ad faciend & recipiend illud Curia nra
de eo Quod in hac parte &c. habeas
ibi hoc Brie, &c.

Habeas Corpus to the Marshals Court
returnable immediate.

Willus, &c. Judicibus Cur Marsh
hostri salt. Quia quidam A. B. in
fund nra sub custod vra ut dicitur detent
quocunq; noie reputeat in eadem
die & causa capcon & detencon ejusdem
habeatis coram Georgio Trebp Mil
Capitat Justic nro [or coram J. P.
Mil und Justic nro], when 'tis return-
able before another Judge] de Banco
apud Cameram suam scituat
immediate post recepcon
hujus

huius brīs Ad faciend & recipiend quod idem Justic noster adtunc & ibm de eo cons in hoc parte Et penitus ist hoc brē Teste, &c.

Habeas Corpus upon a Capi Corp return'd in Debt.

If before a Mayor, Judge, &c.

Rex Vicecomiti Eborum salt. Habeas coram Justic nris apud Westm a die Pasch in quind Pasch A. B. quem p mandatum nostrum fecisti capi & detineri ut dic Et habeas ibm hoc brē Teste, &c.

Writ in Ejectione firmæ.

Rex Vicecomiti Eborum salt. Si A. B. de spatio quadraginta dierum &c. tunc in eodem Comitatu &c. fregit Et ipsum &c. vi & armis ab quibusdam terris &c. in &c. ejecit &c. quousq; &c. Et ideo tibi præcipimus quod &c. Ad sic in other Actions according to the form of the Capias.

Proceedings in the Marshals Court.

If before another Judge, say coram A.B. Mil' mr' Justic' nro' de Banco, &c.

WIllus, &c. Judicib⁹ Cur Palatij nr̄i Westm̄ & eozum cuilibet fidelem cum nup Vobis p hāc nostrum pzecepimus qd haberetis cozam Geozgio Treby Mil' Capital Justic nr̄ō de Banco apud Tameram summ̄ sciuat in

ichediate post receptoz hui⁹ p̄ cozpus A. B. in Prisona nr̄a sub custod vr̄o detenc ut dicit una cū die & causa capcoīs & detencoīs ejus dem quocunq; nomie idem A. coram nob⁹ faciend & recipiend quod tunc Capital Justic nostr de eo cum⁹ in hac parte Tamen certis de Causis Justiciarijs nr̄is de Banco p̄ nob⁹ apud Westm̄ in hac parte specialit̄ motend vobis & cuilibet vr̄m pzecipimus qd in quibuscunq; Pliteis & Querelis aliis ipm A. B. in Cur nr̄a coram vob⁹ mot sive pendend secund Legem & Cons Regni nr̄i Angl ac Cur p̄d pzedatis cum effectu aliquo dzeli vobis nuz in Contrarium direct non obstante, Teste &c.

Alie.

tionis ejusdem A. ad faciend & recipiens quod ijdem Justic nrd de eo Cons in hac parte Certis tamen de causis Justicij scris apud Westm in hac parte moved vobis ꝓcipimus q̃d in ord & singlis Placit & Querelis in Cur nrd coram vobis virtute ꝓd Br. mor sive dependend ꝓcedat ad effectu ꝓdcm hrd de habend Corpus ꝓd W. vob nmp in cont arind inde dicer in aliquo non obstand &c.

Scire fac upon a Recognizance sud in Ingrossm the Roll.

Cum Rot. nup de Wardes, &c. hic Scire fac sum A. B. nup de, &c. nup in Cur, &c. coram, &c. vic Scire fac sum A. B. nup de, &c. nup in Cur nr̃m de Banco coram nob apud Westm de Term Sancte Trinitatis anno regni nrd primo assumpsit sup se & E. F. in 50 l. q̃d idem E. compareret in eadem Cur nrd coram Justic nris apud Westm die, &c. gr' post, &c. tunc pr' sequend & sic de die in diem ad quem libet diem placiti sup Demand 20 l. per quendam Cur Attach Cur nrd de Banco hrd sum ꝓd Cur in eadem Cur dic' Dominꝰ Rex & Dns Regina pcem suam quoad ipsum Rotum remittunt & Judicium inde reddi sup Rec & continuato ꝓcessu ꝓd ꝓd ventum & Judicium

eid

cūm pro plar. G. — versus eundē E. red-
di tunc pī E. plar. G. de debito & damp-
nis pro eodem G. in pī plito versus
plar. G. retupans vel adjudicandi facil-
facere vel pī ipse unde G. scripsum Pri-
sone dicit Dñs Regis & Dñe Regine
de le Fleet occasione illa redderet quam
quidem sum 20l. pī W. recogn de Ter-
ris & Catallis suis fieri Et ad Opus
& Usum pī G. levari si contingeret pī
E. in aliquo pmissoꝝ defale facere &
inde legitimo modo convinci prout p
Recogn & preū inde in eadem Cur mod
resided liquet manifeste. Ideo licet pī E.
postea scilt Termino, &c. Anno Regni
sedi, &c. in eadem Cur mod recuperabit
plus plar. G. pī 20l. vt debet pī Cur
tiam &c. & p Dampnis suis occa-
sion detencōis debi. Illinc que p Recogn
& preū inde in eadem Cur mod coram
Justic nunc apud Westm pī (&c.) mod
resided liquet manifeste pī quem E.
Coram Rege in Execucione Judicij pī in
eadem Cur mod coram Justic nunc pī
(&c.) non reddidit nec idem E. plar. G.
de debo & dampnis pī factis per pī
in limitacione ipsius G. nec plenius &c.
quia volumus &c. quod in pī Cur mod
coram Justic nunc pī debite execucioni
sunt debite execucioni demandari fieri
precipimus quod pī &c. Teste, &c. Scire

fac

Fac ꝓfat A. qđ sit coram Justic nris apud Westm in Quinden Paschę ostens si quid p se heat vel dicere sciat quare ꝓd 50 l. de debo & 39 s. 4 d. de dampnis ꝓd p ipsum in forma ꝓd recognic de Terris & Catallis suis fieri & ꝓfat G. reddi non debeant juxta formam recognicionis ꝓd si sibi viderit expediri Et habeas ibi nomina, &c. Et hoc brd T. &c.

Sed Fac upon a Judgment against an Executor after a Year and a Day.

R. Gulielmus & Maria, &c. Vic Ebor saltem cum A. B. nup in Cur nrd scilt Termio Paschę Anno Regni nrd primo coram G. T. Mil & Sociis suis Justic nris de Banco apud Westm (&c.) recuperasset ꝓut E. F. nup de, &c. Executorem Testamenti S. T. nup dicr, (&c.) tam quodam de bitum 20 l. de Bonis & Catallis que fuer ꝓd S. tempore mortis sue in manibus ꝓd E. existen devastt quam 4 l. & 10 s. qui eidem A. in eadem Cur nrd adjudicat fuer p dampnis suis occone (&c.) detentor debt illius de eisdem Bonis & Catallis levand si ꝓd E. tanta Bona & Catalla que fuer ꝓd S. tempore mortis

sue

sue in manibus suis administrand habuisset & si non habuisset tunc dampna pd de Bonis & Catallis ipsius E. ppr levand unde condicc est put p Record, &c. (as last before in the other manifeste) Executo tamen Judicij pd adhuc restat faciend prout ex insinuacone ipius H. accepimus Et quia volumus, &c. (as before.) qd p pbos, (&c.) ostensis (&c.) quare pd A. executonem dcus eum de debo & dampnis pd here non debeat si sibi viderit expediri. Et heas ibi nomina, &c. Et hoc bre T. &c.

Scire fac against Terre Tenants upon a Judgment recovered against the Heir in Debt.

Rex. Gulielmus & Maria, &c. Vic Derb salt. Cum J. C. Mil in Curia nr̄d scilt Termino Paschæ Anno Regni nr̄d primo coram R. T. Mil & Socijs suis, &c. (as before) recuperasset dcus A. B. nup de L. in Com Nott Gen̄ fratrem & Heredem S. M. Armiger nup dicc, (&c.) tam quoddm debm 500 l. quam 6 l. que eidem, &c. unde condicc est Executo tamen Judicij pd quoad debm pd adhuc restat faciend ac pd A. mortuus est put ex insinuacone ipius J. accepimus Et

quia

quia volumus, &c. (as before.) Scire Fac Tenend Terras & Tenementa de quibus pd S. obijt seisitus in feodo simplici & que descend pfat A. p descensum Hereditat ut Fratri & Heredi pd S. ut sint cozam, &c. (as before) in Crastino Animaꝝ ostensis siquid, &c. (as before) quare pd J. execucon dus eos de debo & dampnis pd de Terris & Tenement illis levand here non debeat jurta, (&c.) fozma Statuti pd si sibi viderit expedire Et breas ibi nomina, &c. Et hoc Bzy T. &c.

If it be a *Testatum Sci' Fac'* then add *Et unde, &c.*

Et unde Vic nrd London Mand Justic nris apud Westm in Octabis Scd Michis ult pte qd non sunt aliqui tenentes nec aliquis tenens aliquaꝝ Terras & Tenementa de quibus pd S. obijt seisit in feodo simplici & que descend pfat A. p descensum Hereditat ut Fratri & Heredi ejusdem S. in Ballia sua quibus vel cui Scire facere potuerunt cum testat sit in eadm Cur nrd qd diversi sunt tenentes Terras & Tenementoꝝ de quibus pd S. obijt seisit in feodo simplici & que descend pfat A. p descensum Hereditat ut Fratri & Heredi ejusdem in Com tuo quibus scire facere possis Et breas ibi nomina, &c. Et hoc Bzy T. &c.

Su-

Supersedeas p Attorn de Com Banco impetrat in Banco Regis.

WIllus, &c. Justic nris ad Placita coram nobis tenend assign ostens est Nob ex parte A. B. und Attorn Cur nre de Banco Qd cum ipe Communis Attorn in Banco pd existat & diversa negotia qd plus ligeor. nror. de eodem Banco prosequen & defenden ut eor. Attorn prosequitr & defendit Idemq A. & omnes al Attorn in Banco pd dum se aliqua negotia in Banco pd prosequuntr aut defenduntr sub protectione nra esse debeant & essent jurra libtat & privileg Cur nre de Banco pd a tempore cujus memoria hominu non existit usitat & approbat Quia tamen R. E. avus libtat & privileg Cur nre de Banco pd ignoscens quandam Billam vo quadam tnsgr per pfat A. elbem E. ut asseritr in Cord nro Ill. ppetrat coram vobis impetravit & prolatus fuit in nre Cur de Banco contempt & ipius A. & Ligeor. nror. quor. Attorn illum A. eritis dampno non modico & grabamen ut accepimus Et Jo vobis mandamus qd de quibuscumq Pliris & Querelis in Cur nra

coram

cozam vobis versus ꝑfat A. mor seu movend (Plitis de libo tenꝰ Felon & Appell duntaxat except) supsed omiꝰ Partibꝫ in Plitis & Querel ꝓ ex parte nrd dicend qꝺ Plita & Querelas suas in Cur nrd cozam Justic nris de Banco ꝓ prosequantr si sibi viderint expediri Teste, &c.

Supersedeas (quia improvide) sur Habeas Corpus.

Willus, &c. Vic S. saltem cum nup tibi p brd nrm ꝓcepimus qꝺ heres A. B. in Prison nrd sub custoꝺ tua esset unacum die & causa capꝯonis & detenꝯonis ill cozam Justic nris apud Westm in Oct Scæ Trin pr' futur ad faciend & recipiend quod Cur nrd in ea parte Cons Quia tamen Justic nris ꝓ apud Westm ꝓ satis constat qꝺ ꝓ brd de habeas Corpus improvide emanavit Jꝰ tibi ꝓcipimus qꝺ de ꝑfat A. ockone ꝑmiss molestand seu de brd ꝓ cozam Justic nris apud Westm reꝯnand aut de brd illo aliqualit exequend supsed omnino Teste, &c.

Quia

Quia hoc erronice emanavit.

Cum nup tibi p hoc nrum præcipimus
qd caveres (&c.) unde conveniri es Quia
tamen Justic nris pd satis constat qd
hoc nrum de Cap e Cur nra pd minus
rite & erronice emanavit Jo tibi præci-
mus qd de pfat A. capiend seu in aliqua
molestand occone pmiss supsed omnino
Et si ipm A. ea occone & non alia cepis
tunc ipm Sher ad largum ire pmittas
Teste, &c.

Declarations in the Common Pleas.

Cook's Case, 9 Will. & Mar. Rot. 8.

Upon a Bond.

Sons A. B. nup de C. in Com
pd Gen alias dict A. B.
de Cain Com S. Genalus fund fuit ad
respondend Eid. Gen de plito qd red
dat ei 100 li. quas ei debet & injuste de-
tinet &c. Et unde idem Eid G. p.
Attorn suum dic qd cum pd A. primo
die Maii Anno Regni Dni Regis &
Dnæ Reginæ nunc primo apud C. p
quoddam scriptum suum obligatorium con-
fessus fuit se teneri eidem G. in pd 100 l.

solvend' eidem E. cum inde requisit fuisset pd' tamen A. licet sepius requisit pd' Cert Bibl eidem E. nondum reddidit set ill ei huculq; reddere contradixit et adhuc contradicit unde dicit pd' deteriorat' est ad valentiam [illegible] et inde producit sectam. Et petit hic in Cur scriptum p̄dcm quod dedom pd' in forma pd' testatur tenjus dapl est Dite Termino Sc̄ti Mich. &c.

Upon a Bill Penal.

Sons ss. A. B. nup de, &c. alias dict A. B. de C. in Com S. Gen̄ous fuit ad respondend' E. F. Gen de plito qd' reddat ei Viginti Libras quas ei debet & injuste detinet, &c. Et unde idem E. p G. suum Attorn̄ suum dicit qd' cum pd' A. postea scilt Anno Domini Millesimo Septingentesimo Nonagesimo Primo apud C. p̄dcam in Com p̄dco Willm̄o scripti obligatorii sui quinq; idem E. Sigillo pd' A. sigillat hic in Cur prolat cujus dat eisdem Die & Anno obligasset se hered' Executor & Administratores suos in pd' 20 libras Monet Angl̄ p dicta scripta ad certam [illegible] Monet Angl̄ p dicta scripta ad certam [illegible] Executor Administrator vel suis

suis apud vel super scdm̃ diem Septembris tunc pr̃ sequend dar Wille p̃d Et idem E. in scō dicit qd̃ p̃d A. non solvit eidem E. p̃d 10 l. sup̃ p̃d secundum diem Septembris quas ei apud vel sup̃ eundem diem solvisse debuit scdm̃ formam & effectum Wille p̃d per quod Plac. accredit eidm̃ E. ad exigend de habend de p̃d A. p̃d Wigine Libras p̃d tamen A. licet sepius requisit p̃d Wigine Libr eidem E. nondum reddidit set illi &c. as before.

Debt.

Upon an Emisset, or for Goods bought.

Ss. W. mup de C. in Com̃ p̃d Gen̄l̃ fuit ad respondend E. f. de plito q̃d reddat ei 20 l. quas ei debet & injuste detinet, &c. Et unde idem E. p G. H. Attorn̄ suū dicit qd̃ cum p̃d A. (tali Die & Anno) apud D. emisset de eodm̃ E. unam Equam p̃o p̃d 20 l. solvend eidm̃ E. cum inde requisit fuisset p̃d tamen A. licet sepius requisit p̃d 20 l. eidm̃ E. nondum reddidit set illi hucusq; reddere contradixit & adhuc contradicit unde dicit qd̃ deterioratus est & dampnū hab ad valent 20 l. Et inde ponit sectam, &c.

Debet.

Upon a Mutuatus, or for Mony borrowed.

ff. A. B. nup de C. in Com pd Gen sund fuit ad respondend E. F. de plito qd reddat ei 100 l. quas ei debet & injuste detinet, &c. Et unde idem E. p G. H. Attorn suu dic qd cum pd A. (such a Day and Year) apud D. mutuac fuisset de eodm E. pd 100 l. solvend eidm E. cum inde requisit fuisset pd tamen A. dicet sepius requisit pd 100 l. eidem E. nondum reddidit set illi huiusq; reddere contradixit & adhuc contradicit unde dicit qd deteriorat eid dampnu bet ad valenc 20 l. Et inde p duc sectam, &c.

Debet.

For Mony due upon Accoun.

ff. A. B. nup de, (&c.) sund fuit ad respondend E. F. de plito qd reddat ei 50 l. quas ei debet & injuste detinet, &c. Et unde idem E. p G. H. Attorn suu dic

dic̄ qd cum p̄d A. (tali Die & Anno) apud C. computassent cum p̄fat C. de diuersis Denar summis eidem C. p p̄fat A. ante tempus illud debit & solubit Et sup Compot illo p̄d A. inuent fuit in Arrerag erga eundm C. in p̄d 50 l. p quod Accō arrevit eidm C. ad exigend & habend de p̄fat A. p̄d 50 l. p̄d tamen A. licet sepius requisit p̄d 50 l. eidm C. nondum reddidit set ill et huiusq; reddere contrabrit & adhuc contradic inde dicit qd dett̄ est & dampn̄ habet ad valenc 20 l. Et inde p̄dic lecam, &c.

In Case sur Assumpsit.

Upon a Mutuatus.

A. B. nup̄ (&c.) attach fuit ad respond C. D. de plito trāsgr̄ sup Casum Et unde idem C. p E. F. Attorn̄ suū queritur quare cum p̄d A. primo die Januarii Anno Regni Dñi Caroli & Dñi Marie nunc Regis & Regine Angl, &c. tertio apud G. in consideratione qd idem C. ad sp̄iar instanc & requisicion̄ p̄d A. ei mutuo dedisset & deliberasset p̄d A. Quinq; Libr legitis Monete Angl sup se assumpsit & eidem C. adtunc & ibm fidei promisit qd ipe idem A. p̄d

Quinq; Libr eid C. cum inde postea requisit fuisset bene & fidelit solvere & contentare vellet pd tamen A. promiss & assumpcon suas pd nid curans set machinans & fraudulent intendens eund C. in hac parte callide & subdole decipe & defraudare pd Quinq; Libr seu aliquem Denar inde eidm C. licet ad hoc faciend pd A. postea scil (such a Day and Yeer) & sepius postea apud G. pd eund' C. requisit fuisset non solvit set ei solvere oio recusavit Et adhuc recusat ad dampnu ipius C. 10 l. Et inde pduc sect, &c.

Indebitat Assumpsit.

For Mony had and received by the Defendant.

Sit supra usq; —— Quare cum pd' A. primo die Maii Anno Regni dict Dni Regis & Dne Regine nunc quarto apud G. indebitat fuisset eidem C. in Decem Solidis in pecuniis numeratis p dict C. de eadem C. ante tempus illud immutuat hic & recept Et sic inde indebitat existen pd' A. in Cons inde sup se assumpsit & eidem C. pd' primo die Maii anno quarto supdco apud G. pd'

fidelit

fidelit promisit pd' ipo pd' A. pd' [illegible] eidem C. aliquando postea requisit fuisset bene & fidelit solvere & contentare debuisset, pd' tamen A. promissionem & assumpsionem suas pd' minime curans &c. (as before.)

Indebitat Assumpsit.

For Monies and Merchandizes.

Ut supra usq; Indebitat fuisset eidem C. in 50 l. legis Monete Angl pro diversis Marrimon & Merchandizis p̃fat A. de eodem C. ante tempus illud empt hic & recept Et sic indebitat existen pd' A. postea scil (such a Day and Year) apud G. pd' in consideratione inde sup se assumpsit, &c. (as before.)

Insimul Computassent.

Ut supra usq; Quare cum pd' A. primo die Maii Anno Dñi 1692. apud G. in simul computassent cum p̃fat C. de diversis Denar summis eidem C. p̃fat A. ante tempus illud debitis & solut Et sup Compoto illo idem A. inventus fuit in arrear erga

eund' C. in 10 l. legis Monete Angl Et sic in arrerag inuene existen pd' A. in consideratione inde postea scil eodem Die & Anno apud G. pd' sup se assumpsit & eidem C. adtunc & ibm fidelit' p̃misit qd' ipe idem A. pd' 10 l. eidem C. cum inde postea requisit' fuisset bene & fidelit' solvere & contentare vellet pd' tamen A. p̃mission & assumpcon suas pd' min̄ curans, &c. (as before.)

See for the laying of several Promises in one Nart. in the Declarations for the King's Bench, which is the same in the Common Pleas, mutat' mutandi.

A Declaration in Ejectment.

Sockis ss. A. B. nup de C. in Com pd' Yeoman attach fuit ad respondend' E. F. de placito quare Vi & Armis unum Messuagiu, &c. (naming them) cum pertin in G. que P. A. sed eidem E. dimisit ad termin qui nondum p̃teriit intravit & ipm a Firma sua pd' ejecit Et alia enormia ei intulit ad grave dampnu ipius E. Et contra Pacem Dni Regis & Dne Regine nunc, Et unde idem E. p R. S.

Attorn

Attorn sud queritr Qd cum pd H. J. primo die Maij Anno Regni Dnd Regis & Dne Regine nunc quarto apud G. demisisset eidem E. Tenta pd cum ptin habendi & occupandi Tenta pd cum ptin eidem E. & Assign suis a primo die Martij tunc ule ptir usq; finem & termin Tenum Annor. extunc pr' sequen & plenar complend & finiend virtute cujus Dimissionis idem E. in Tenta pd cum ptin intravit & fuit inde possessionat ipius E. sic inde possessionat existen pd J. postea scilt eodem primo die Martij Anno quarto supradicto Vi & Armis, &c. in Tenta pd cum ptin que plac H. J. eidem E. in forma pd dimisit ad termin qui nondum ptitit intravit, Et alia enormia, &c. Ad grave dampn, &c. Et contra Pacem, &c. Unde dic qd deteriorat est Et dampnu bet ad valenciam 20li. Et inde produc sectam, &c.

Note, this Ejectment being usually to try a Title, the Plaintiff makes some Friend Defendant; and then notice is given to the Tenant in Possession, to defend his Title; for which see before in Ejectment in the King's Bench, mutat mutand.

De-

Declaration in Treſpaſs.

Somes ſſ. A. B. nup de E. in Com pd Yeoman attach fuit ad reſpond E. F. de plito quare Vi & Armis cum ipius E. apud G. fregit ac Blada & Herbam ſua ad valenc 10 l. ſom nup creſcen cum quibuſdam Averijs depaſc fuit conculcavit & conſumpſit Et alia enormia ei intulit ad grave dampnū ipius E. Et contra Pacem Dnō Regis & Dnō Regine nunc, &c. Et unde idem E. p ſſ. G. Attorn ſuū querit̄ qđ pd A. primo die Jan Anno Regni Dnō Regis & Dnō Regine nunc rectio Vi & Armis, &c. Blada videlt Critico Slingmeu Hozden Pilas Fabas & Avenas & Herbam ſua ad paſcendam, &c. ſom nup creſcen cū quibuſdam Averijs videlt Equis, Bobꝰ Vaccis Poxis & Bidentibꝰ depaſc fuit conculcavit & conſumpſit Et alia enormia, &c. Ad grave dampnū, &c. Et contra Pacem, &c. Unde dic qđ dettozae ad Et dampnū pet ad Valenc 40 ſ. Et inde prodūc Sect, &c.

Cl'm fregit.

Treſ-

Trespass and Assault.

ſſ. As before uſq; —— De plito Quare Vi & Armis in ipm E. apud G. inſule fecit & ipm verbavit vulneravit & male tractavit ita qd de vita ejus deſpabat Et alia enormia ei intulit ad grave dampnd ipius E. Et contra Pacem Dnd Regis & Dnd Regine nunc, &c. Et unde idem E. p R. G. Attorn ſuu queritr Qd pd A. primo die Dec Anno Regni Dnd Regis & Dnd Regine nunc tertio Vi & Armis videlt Gladijs Baculis & Cultellis in ipm E. apud G. inſule fecit & ipm verbavit vulneravit & male tractavit ita qd de vita ejus deſperabat Et alia enormia, &c. ad grave dampnd, &c. Et contra Pacem, &c. Unde dic qd deterioratr eſt Et dampnd per ad valenc 50l. Et inde produc ſectam, &c.

I

English

Engliſh Preſidents.

Articles between an Attorney and his Clerks Friend, on behalf of the Clerk.

Articles of Agreement indented, had, made, concluded and agreed upon the Twentieth Day of May, *in the fifth year of the Reign of our Sovereign Lord and Lady* William *and* Mary, *by the Grace of God of* England, Scotland, France *and* Ireland, *King and Queen, Defenders of the Faith, &c.* Annoq; Dñi 1692. *Between A. B. of* Furnivals Inn, Holborn, *in the County of* Middleſex, *Gent. of the one part, and C. D. of T. in the ſaid County of* Middleſex, *Gent. of the other part, in manner following,* viz.

Imprimis. IT is Covenanted and Agreed between the ſaid Parties, and the ſaid A. B. doth for himſelf, his Executors and Adminiſtrators, Covenant to, and with the ſaid C. D. That he the ſaid A. B. ſhall, and will receive and entertain into his Service E. F. a Kinſman of

of the aforesaid C. D. and him keep, instruct and teach by the best means and method he can in the course and practice of the Law, fitting for an Attorney of the Court of *King's Bench*, during the Term of Six Years, to be accounted from the Day of the Date of these Presents; During which Term the said A. B. shall give, provide, find and allow to the said E. F. Meat, Drink and Lodging sufficient, fit and convenient: And at the end of every Term of the four Terms in every Year, during the said Six Years, shall pay to the said E. F. 20 *s.* of Lawful Mony of *England*; and at the expiration of the said Six Years, (he the said E. F. during the said Six Years, faithfully serving the said A. B. and paying the Fees for that purpose due) do his best endeavour to procure him the said E. F. to be admitted an Entring Clerk of the said Court of *King's Bench*. And that in Case he the said A. B. shall happen to die within the space of one year next ensuing the Date hereof, Then the Executors or Administrators of the said A. B. shall pay to the said C. D. his Executors, Administrators or Assigns, Fourscore Pounds of Lawful Mony of *England*; And in Case he the said A. B. shall happen to die within the space of Two Years next ensuing the Date hereof; Then the Executors

in case the Master dye.

cutors or Administrators of the said A. B. shall pay to the said C. D. his Executors, Administrators or Assigns, Threescore Pounds of Lawful Mony; and in Case the said A. B. happen to die within the Space of Three Years next ensuing the Date hereof, Then the Executors or Administrators of the said A. B. shall pay to the said C. D. Forty Pounds of like lawful Mony.

The same reservation of Repayment, in case the Clerk dye, if it be so agreed.

And the said C. D. in Consideration of the Premisses, hath paid to the said A. B. 120*l.* of Lawful Mony of *England*, and doth also for himself, his Heirs Executors, and Administrators Covenant with the said A. B. his Executors and Administrators by these Presents, That the said E. F. during the said Six Years, shall do the said A. B. true, faithful and just Service in all Respects as a Clerk ought to do, and shall be of Civil Demeanor and due Behaviour to the said A. B. his Master, and shall from time to time, upon request, give to the said A. B. a just Account of all such Monies, Deeds and Writings, and of all other things that he shall be entrusted with by the said A. B. or which shall come to his hands, or, and from any other Person or Persons, by the Order, or for the Use of the said A. B.

And

And further, that he the ſaid C. D. his Executors or Adminiſtrators ſhall and will within 30 days next after notice given unto him or them by the ſaid A. B. or his Aſſigns, make full Reſtitution and Payment to him the ſaid A. B. of all ſuch Monies and other Things as ſhall be purloined, imbezled or waſted by the ſaid E. F. or otherwiſe unduly detained by him from his ſaid Maſter during the ſaid Six Years. In Witneſs whereof the Parties to theſe preſent Articles have to the ſame interchangeably ſet their Hands and Seals the ſaid 20th day of May 1690.

Sealed and Delivered
In the preſence of

Note, It may be convenient to make the Clerk a Party, and to Seal and Deliver, though he does not Covenant, as between A. B. and C. D. of the one Part, and E. F. of the other.

Imprimis, The ſaid A. B. doth by theſe Preſents put himſelf a Clerk to the ſaid E. F. to ſerve him from the Date hereof for the full Term of Five Years.

Item, The ſaid C. D. doth Covenant, &c. That he ſhall ſerve his Time, &c.

Articles

Articles between the Father and his Son, the Clerk, on the one Part, and the Attorney of the other Part.

Articles of Agreement, (&c.) *Between J. S. the Elder, of the Parish of* (&c.) *and J. S. his Son of the one Part, and A. B. of* Clements Inn, *in the County of* Middlesex, *Gent. of the other Part, in manner following,* viz.

Imprimis. THE said A. B. for and in Consideration of the sum of 140 *l.* of Lawful Mony of *England* to him in hand, paid at and before the Ensealing and delivery of these Presents by the said J. S. the Elder, doth Covenant, Promise and Agree to, and with the said J. S. the Elder, to receive, accept and take the said J. S. his Son to be the Clerk of him the said A. B. for the space of Five Years, next ensuing the date of these presents, and also during the said Five Years (if he the said A. B. shall so long live) to allow and provide for the said J. S. the Son, competent and sufficient Meat, Drink and

and lodging, or Seven Shillings a Week in lieu thereof; and also to teach and instruct the said J. S. the Son, in the Practice of an Attorney and Solicitor in such Courts as he the said A. B. doth, or shall practise and Solicite in, and to allow such Fees to him the said J. S. the Son, as are usually allowed by other Attorneys and Solicitors of the same Courts to their Clerks; and at the end of every Term of the four Terms in the Year, during the said Five Years, to pay to the said J. S. the Son, 20 s. of Lawful Mony of *England*, as Tetmage or a Term Fee, and at the expiration of the said Five Years, use his best endeavour to procure the said J. S. the Son, to be admitted and sworn an Attorney of the Court of *Common Pleas*.

Item, The said A. B. doth further for himself, his Executors and Administrators Covenant, Promise and Agree, to, and with the said J. S. the Elder, by these Presents; That if the said A. B. shall happen to depart this Life within one Year next ensuing the Date of these Presents, That then, and in such Case the Executors and Administrators of the said A. B. shall restore and pay back unto the said J. S. the Elder, his Executors Administrators or Assigns, the sum of 100 *l.* of Lawful Mo-

ny of England within three Months next after the decease of the said A. B. And in Case the said A. B. shall happen to die after one Year, and within two Years next ensuing the Date hereof, That then, and in such Case the Executors or Administrators of the said A. B. shall return and pay back unto the said J. S. the Elder, or his Assigns, the Sum of Threescore Pounds of like Lawful Mony within three Months next after the decease of the said A. B. And in case the said A. B. shall happen to die after two Years, and within the space of three Years, next ensuing the Date hereof, That then, and in such Case, the Executors or Administrators of the said A. B. shall return and pay back unto the said J. S. the Elder, or his Assigns, the Sum of 20 *l.* of like Lawful Mony, within three Months next after the decease of the said A. B. And upon Payment of any of the respective Sums above mentioned, at any the respective Times above written, the Executors or Administrators of the said A. B. are to be freed and discharged from the Covenants in these present Articles mentioned and contained.

Item. The said J. S. the Elder, and J. S. the Son, for themselves, and either of them severally, their, and either of their

Execu-

Executors and Administrators, do Covenant, Promise and Agree to, and with the said A. B. his Executors and Administrators, That if the said J. S. the Son, happen to die before the expiration of the said Five Years (the said A. B. being then alive) That then, and in such Case the said A. B. his Executors or Administrators shall not be compelled or forced to restore or pay back any part or parcel of the said 140 l. unto the said J. S. the Elder, his Executors or Administrators, or unto the Executors or Administrators of the said J. S. the Son, or unto any of them; but then, and in such Case the said A. B. after the decease of the said J. S. the Son, shall be absolutely discharged from all, and every the Covenants in these Presents contained.

Item. The said J. S. the Elder, and J. S. the Son, do for themselves, and either of them severally, Covenant, Promise and Agree to, and with the said A. B. his Executors and Administrators, by these Presents, that the said J. S. the Son, shall well and truly serve the said A. B. during the said Five Years, to Commence from the Date of these Presents, and all, and every his Lawful Commands, well and truly do, perform and keep; and shall not at

any time or times hereafter, during the ſaid Five Years, abſent himſelf from the Service of the ſaid A. B. without the ſpecial Licenſe and Conſent of the ſaid A. B. nor ſhall do, or cauſe to be done any Act or Acts, Thing or Things whatſoever, which may be in any wiſe hurtful or prejudicial unto the ſaid A. B. his Executors or Adminiſtrators; neither ſhall he the ſaid J. S. the Son, wilfully imbezle, purloin or unlawfully make away, conſume, miſpend, waſt or ſpoil, or cauſe, or willingly ſuffer to be imbezled, purloined, made away, conſumed, miſpent, waſted or ſpoiled any of the Goods and Chattels, Mony, Bonds, Bills, Specialties or other Writings whatſoever, of the ſaid A. B. his Executors or Adminiſtrators, or which he the ſaid A. B. his Executors or Adminiſtrators may be anſwerable or accountable for: And alſo that he the ſaid J. S. the Son, ſhall, and will from time to time, and at all times hereafter, when required, during the ſaid Five Years, give and render unto the ſaid A. B. his Executors or Adminiſtrators, a juſt, true and perfect Account of all and every ſuch ſum and ſums of Mony as ſhall come into the Hands, Cuſtody or Charges of him the ſaid J. S. the Son, to, and for the uſe of the ſaid A. B. his Executors or Adminiſtrators

ſtrators, or which the the ſaid A. B. his Executors or Adminiſtrators, ſhall be in any wiſe anſwerable for, or liable to render an Accoutne of, But as a faithful and careful Servant, ſhall behave himſelf towards the ſaid A. B. his Maſter, during the ſaid Term of Five Years. And alſo that the ſaid J. S. the Son, ſhall not at any time or times hereafter, during the ſaid Term of Five Years, diſcover or publiſh any of the Lawful Secrets of the ſaid A. B. and ſhall not looſe, deface, or tear off any Seal or Seals of any Bond, Deed, Indenture, or any other Writing or Writings whatſoever, which ſhall come into the hands or poſſeſſion of the ſaid J. S. the Son, or be delivered to him to be in any caſe uſed, by which the ſaid A. B. ſhall, or may be damnified or moleſted: And alſo that he the ſaid J. S. the Son, ſhall not, during the ſaid Five Years, practiſe or do any buſineſs upon his own account, or for his own proper gain, intereſt or advantage, otherwiſe than as a Clerk, and for the intereſt and gain of the ſaid A. B. in any Court or Courts whatſoever. And to the due performance of all and every the aforeſaid Covenants and Agreements, either of them the ſaid J. S. the Elder, and A. B. doth bind himſelf, his Executors and Adminiſtrators reſpectively unto the other of

them, his Executors and Administrators in the Penal sum of 200 l. of Lawful Money of England firmly by these presents, Sign Sealed whereof, the Parties to these Presents have to the same interchangeably set their Hands and Seals, the Day and Year first above written.

Sealed and delivered
in the presence of

Bonds or Obligations.

In the making of Bonds four things are to be observed. First, the Names of the Parties to be bound (who are called the Obligors) both Christian Name and Surname; Secondly, the Town, Parish, Place and County whereof they are Residents or Inhabitants for the most part: Thirdly, their Titles, Trades or Qualities: Fourthly, the sum of Mony which is borrowed or to be paid; and that sum is usually doubled in the Bond; as if 200 l. be, &c. the Penalty in the Bond must be Forty.

How

A Bond from one to one.

NOverint universi p̃ presentes me

certo Attorn Executoribz Administratoribz vel Assignd suis Ad quam quidem solutionem, &c. (as before.)

From One to Three.

NOverint Universi per Presentes nos A. B. de C. in Com D. Gen teneri & firmiter obligari A. B. de A. in Com D. Armigero in Centum Libris bone & legali Monete Anglie solvendis eidem A. B. aut suo certo Attorn Executoribz Administratoribz vel Assignd suis Ad quam quidem solutionem bene & fideliter faciendam obligamus nos & unumquemq; nostrum per se pro toto in solidum & pro hered executorib & administratorib nostris firmiter per Presentes sigillis nostris sigillatas. Dat. &c.

From Two to One.

NOverint Universi per Presentes nos A. B. de C. in Com D. Gen & E. F. de G. in Com D. Gen teneri & firmiter obligari A. B. de A. in Com D. Armigero in Centum Libris bone & legali Monete Anglie solvendis eidem A. B. aut suo certo Attorn Executoribz Administratoribz vel Assignd suis Ad quam quidem solutionem bene & fideliter faciendam obligamus nos & utrumq; nostrum per se pro toto in solidum & pro hered executorib & administratorib nostris firmiter per Presentes sigillis nostris

strum

From Two to Two

NOverint, &c. nos, naming the two Obligors, their Habitations and Titles teneri & firmiter obligari naming the two Obligees their Habitations & Titles in Centum libr. &c. solvend. as in the Bond from one to two. Ad quam quidem solutionem, &c. (as last above.)

From Two to Three.

NOverint, &c. Nos naming the three Obligors, &c. teneri & firmiter obligari naming the three Obligees, and sum solvend. as in the Bond from one to three. Ad quam quidem solutionem, &c. as last above.

From Three to One.

NOverint, &c. Nos the three Obligors teneri, &c. as in a single Bond. Ad quam quidem solutionem bene & fideliter faciend. obligamus nos & quemlibet nostrum

From Three to Two.

Noverint, (&c.) Nos the three Obligors, (&c.) & firmiter obligamur the two Obligees (&c.) Executors &c. in [illegible] solvend' as in the Bond from One to Two, Ad quam quidem solucon' (as last above.)

From Three to Three.

Noverint (&c.) Nos (the three Obligors) teneri & firmiter obligari (to the three Obligees) in [illegible] bene (&c.) solvend' (as from one to three) Ad quam quidem solucionem (as last above.)

The Conditions of Bonds,

The Conditions of Bonds are to be made according to the Agreement of the Parties, and must be to do things possible and lawful, or else they will avail nothing.

If it be to pay Mony, then thus,

Condition of a Bond from One to One, to pay Mony at one Payment.

THE Condition of this Obligation is such, That if the above-bounden A. B. his Heirs, Executors or Administrators, shall, and do well and truly pay, or cause to be paid unto the above-named C. D. his Executors, Administrators or Assigns, the full sum of One Hundred Pounds of Good and Lawful Mony of *England*, on the four and twentieth day of *August* next ensuing the date of these Presents, without any fraud or further delay, then this Obligation to be void and of none effect, or else to be and remain in full force and vertue.

Sealed and delivered
in the presence of

Note,

Note it is better to name no place where the Mony must be paid, for then the Obligor is obliged to come to the Obligee, &c. and satisfie the Debt.

If the Mony is to be paid at several Payments, then say thus,

Condition for several Payments.

The Condition, &c. (as above) the full sum of One Hundred Pounds, of Good and Lawful Mony of *England*, in manner and form following, that is to say, the sum of Twenty and Five Pounds part thereof on the Four and Twentieth day of *August* next ensuing the date of these Presents; Twenty and Five Pounds more thereof on the Four and Twentieth day of *November*, then next following; Twenty and Five Pounds more thereof on the Four and Twentieth day of *February* then next following, and Twenty and Five Pounds, the residue thereof, on the Four and Twentieth day of *May*, which shall be in the Year of our Lord, One Thousand Six Hundred and Ninety Three, without fraud or further delay, then this Obligation

gation to be void and of none effect. But if default shall happen to be made in payment of any the said several and respective sums of Money above mentioned, or any part of any of them, or any of the said several and respective Days or Times above limited for the payment thereof, contrary to the true intent and meaning of these Presents, then this Obligation to be and remain in full force and virtue.

Sealed and delivered
in the presence of

* Note, if this last Clause of Default be not inserted after this manner, though several Days be expressed for the payment, the Bond cannot in such Case be sued till the last day be expired.

And if the Money be to be paid by small parcels Monthly or Weekly, as twenty Pounds by twenty Shillings, then say,

In Manner and Form following, that is to say, Twenty Shillings, part thereof on the Eight and Twentieth Day of this Instant

Instant *May*, and Twenty Shillings more thereof on the Eight and Twentieth Day of *June* then next immediately following, and Twenty Shillings more thereof on the eight said Twentieth Day of *July* then next immediately following, and so consequently the sum of Twenty Shillings Monthly on the Eight and Twentieth Day in every Month, the one Month next and immediately ensuing the other, until the said sum of Twenty Pounds be fully paid and satisfied, according to the true intent and meaning hereof, Then this Obligation to be void and of none effect, but if Default, *&c.* (as before.)

And here note, that if there happen to be any odd Money, so that the Payments cannot be proportionably made, as but to make the odd Money payable first, that so the rest may fall proportionably; otherwise if it be left last, you will be obliged to express every Day and Payment, tho never so many, or else to go a great way about to make all even.

If One is to pay Money to Two, then say,

That if the above-bounden A. B. his Heirs, (or A.) do and shall well and truly pay, or cause to be paid unto the above-named C. D. and E. F. or to either of them, their or either of their Executors, Administrators or Assigns the full sum of Pay or cause to be paid unto the above-bounden A. B. his Heirs, (or A.) do and shall well and truly pay, or cause to be paid unto the above-named C. D. and E. F. or to either of them, their or either of their Executors, Administrators or Assigns the full sum of

If Two be to pay the Money to him say,

That if the above-bounden A. B. and C. D. or either of them, or either of their Heirs, Executors or Administrators, or any of them, shall, &c.

If

That if the above-bounden A. B. C. D. and E. F. or any of them, their, or any of their Heirs, Executors or Administrators, or any of them do and shall

As to other Conditions of Bonds.

Care must be taken, that the Sense be Clear, and the Intent Lawful and Possible, and fully expressed. Of which there are abundance of Examples in many Books, as in the Young Clerks Guide, compiled by Sir R. H. *Hides* Presidents, *Howes* assistants, &c. See the new Book called *The Law of Obligations*.

And almost any thing that may be put in a Covenant, may be put in a Condition: Only this is to be observed, that things to be done be many; and to divers purposes, 'Tis better to make the Agreement by way of Articles or Covenant, than to make them into Conditions; And a Bond may be given for performance of Covenants.

The form of a Bail-Bond.

NOverint universi p̃sentes Nos [first name the Party Arrested, then two more for his Bail] — teneri & firmiter obligari A. B. vicecomiti Com. B. pro Quadraginta Libris, at the least, and if the Warrant be special, then you double the sum in the Warrant) bone & legal' solvend' eidem Vic' aut suo certo Attorn' suo Executor' Administrator' vel Assign' suis. Ad quam quidem solucionem bene & fidelit' faciend' Obligamus Nos & quemlibet Vrm̃ p se pro toto & in solido Heredes Executores & Administratores nros & cujuslibet vrm̃ firmit' p̃sentes Sigillis nris Sigillatas. Dat' Decimo Tertio Die Maij Anno Regni Dñi & Dñe nostr' Willi & Mariæ Dei Gr' Angl' Scot' Franc' & Hib' Regis & Reginæ Fidei Defens' &c. quarto Annoq; Dñi 1692.

Then write the Condition in Latin as follows:

COndicio istius Obligationis talis est Si sup' Obligat' [the Party Arrested] compareat coram vobis Dño Rege & Dña Regina [if in the Com-

mon Pleas, say coram Justic' dict' Dnd Regis & Dnc Regine] apud Westmonasterium die Veneris pr' post Crem Sci Trin [or otherwise as the Return is expressed in the Warrant] pr' Justic' ad respondend [the Party Plaintiff in the Warrant ad placitu [as in the Warrant] eo quod tunc [he seized Obligees Bona [&c nullius warranto allocutus fuit [&c unde queritur in Cur' dicun' ballivos [&c sicut.

Similar & behind in.

Condition of a Counter-bond to save harmless.

THE Condition of this Obligation is such, That whereas the above named A. B. at the special instance and request of the above-bounden C. D. and for the only proper Debt and Duty of the said C. D. together with him the said C. D. is held and firmly bound unto E. F. of G. in the County of H. Gent. in and by one Obligation, bearing even Date with these * Presents, in the penal sum of One Hundred Pounds of lawful Money of England conditioned for the true payment of Fifty Pounds of like lawful Money on the [illegible] day of *May* next ensuing the Date of the same

* According as the Date of the other Bond is.

A Condition of a Bond to perform Covenants.

THE Condition of this Obligation is such, That if the above-bounden A. B. his Heirs, Executors and Administrators, and every of them shall, and do for his and their parts, in all things, well and truly observe, perform, fulfill, accomplish, pay

and keep all and singular the Covenants, Grants, Articles, Provisoes, Payments, Conditions and Agreements whatsoever, which on his and their parts and behalfs are, or ought to be observed, performed, fulfilled, and accomplished, paid and kept, comprised and mentioned in certain Articles of Agreement indented [or in one pair of Indentures, or in certain Indentures Tripartite or Quadripartite, as the Case may require] bearing even date with these Presents [or otherwise, as the Date of them are] made [or expressed to be made] between the said A. B. of the one part, and the above-named C. D. of the other part [or as the parts of the Indentures are] and that in, and by all things, according to the Contents, Purports, True intent and meaning of the same Articles [or Indentures, &c. as the case requires] without Fraud or Covin, Then this present Obligation to be void and of none effect, or else to be and remain in full force and vertue.

THE Condition of this Obligation is such, That if the above-bounden A. B. his Heirs, Executors and Administrators, and every of them shall, and do for his and their parts in all things well and truly observe, perform, fulfil, accomplish, pay and

The Condition of a Bond of Arbitration.

THE Condition of this Obligation is such, That if the above-bounden A. B. his Heirs, Executors and Administrators, for his and their parts and behalfs shall and do in all things well and truly stand to, obey, abide, observe, perform, fulfil and keep the Award, Order, Arbitrament, Final End and Determination of C. D. of E. in the County of F. Gent. and H. I. of E. aforesaid Gent. according to the Names and Places the Arbitrators are of, Arbitrators indifferently chosen, elected and named, as well on the part and behalf of the above-bounden A. B. as of the above-named K. L. to Arbitrate, Award, Order, Judge and determine of, for, upon or concerning all and all manner of Action or Actions, Cause and Causes of Actions, Suits, Bills, Bonds, Specialties, Judgments, Executions, Extents, Quarrels, Controversies, Trespasses, Damages and Demands whatsoever at any time heretofore had made, moved brought, commenced, sued, prosecuted, done, suffered, committed or depending by, or between the said Parties; so always as the said Award, Arbitrament, Order, Determination, Final End and Judgment of

* Note, you may lay (writing indented, &c.) That to there may be two parts.

the said Arbitrators of, for, or upon the Premisses be made and drawn up in Writing * under their Hands and Seals, and delivered, or ready to be delivered to the said Parties, or such of them as shall desire the same, on, or before the first day of *June* next ensuing the Date of these Presents. * Then this Obligation to be void and of none effect, or else to stand and remain in full force and vertue.

* Note, you may say (writing indented, &c.) That so there may be two parts.

* Note if the Matter is to be left to an Umpire, in case the Arbitrators cannot agree by the same time. Then after the Words [next ensuing the Date of these Presents] add this Clause following.

And if the said Arbitrators shall not make and draw up their Award in Writing as aforesaid on, or before the said first day of *June*. If then the said A. B. his Executors, Administrators and Assigns, and every of them do, and shall stand to, abide, observe, perform and keep the Award, Umpirage, Final End and Judgment of M. N. of O. in the said County of F. Esq; Umpire, indifferently elected and chosen betwixt the said Parties, for ending and composing all the Differences aforesaid; so as the said Umpire do make

and

and draw up his said Award, Umpirage and Determination in Writing [indented] under his Hand Seal ready to be delivered to the said Parties, or such of them as shall desire the same, on, or before the eighth day of *June* next ensuing the Date of these Presents, Then this Obligation to be void and of none effect, or else to stand and remain in full force and vertue.

The Form of a single Bill.

KNow all men by these Presents, That I A. B. of C. in the County of D. Yeoman, do owe and am indebted unto E. F. of G. in the County of H. Gent. the sum of Fifteen Pounds of lawful Mony of *England*, to be paid unto the said E. F. his Executors, Administrators or Assigns, at, or upon the first day of *August* next ensuing the Date hereof. In witness whereof I have hereunto set my Hand the first day of *May* 1692.

Witness hereto

Note, this Bill without a Seal is no Deed, but may be much better than a bare Promise.

The Form of a Bill Obligatory, or Penal Bill.

BE it known unto all men by these Presents, That I A. B. of (*&c.*) do owe and am indebted unto C. D. of (*&c.*) the sum of Twenty Pounds of lawful Mony of *England*, to be paid to the said C. D. his Executors, Administrators or Assigns, at, or upon the first day of *August* next ensuing the Date hereof; To which payment well and truly to be made, I bind my self, my Heirs, Executors and Administrators to the said A. B. his Executors and Assigns in the penal sum of Forty Pounds of lawful Mony, firmly by these Presents. In witness whereof I have hereunto set my Hand and Seal the first day of *May* 1692.

Sealed and delivered
in the presence of

The Form of a Bill of Sale Absolute.

KNow all men by these Presents, That I A. B. of (*&c.*) for, and in consideration of the sum of One Hundred Pounds of lawful Mony of *England* to me in Hand, paid by C. D. of (*&c.*) whereof I here-

I hereby acknowledge the Receipt, and my ſelf therewith fully ſatisfied, have Bargained, Sold and Delivered, and by theſe Preſents, in plain and open Market, according to due form of Law, do Bargain, Sell and Deliver unto the ſaid C. D. [one ſmall Gold Watch, &c. reciting the Things] To have and to hold the ſaid bargained Premiſſes unto the ſaid C. D. his Executors, Adminiſtrators and Aſſigns, to the only proper uſe and behoof of the ſaid C. D. his Executors, Adminiſtrators and Aſſigns, for ever. And I the ſaid A. B. for my ſelf, my Executors and Adminiſtrators, the ſaid bargained Premiſſes unto the ſaid C. D. his Executors Adminiſtrators and Aſſigns againſt all Perſons, ſhall and will Warrant, and for ever defend by theſe Preſents. In witneſs whereof I have hereunto ſet my Hand and Seal, (&c.)

Parts of the Goods mentioned muſt be delivered with the Bill in order of this reſt.

Sealed and Delivered
in the Preſence of

Note, if the Things are redeemable upon payment of the Principal and Intereſt, then after the words (for ever defend by theſe Preſents,) add

—Provided nevertheleſs, That if I the ſaid A. B. my Executors Adminiſtrators or Aſſigns,

Assigns, do well and truly pay, or cause to be paid unto the said C. D. his Executors, Administrators or Assigns the sum of One Hundred and Six Pounds of lawful Mony of *England* on the thirtieth day of *April* next ensuing the Date hereof, for redemption of the said bargained Premisses, Then this present Bill of Sale to be void, or else to remain in full force. In Witness whereof I have hereunto set my Hand and Seal the first day of *May*, in the Fourth Year of the Reign of our Sovereign Lord and Lady *William* and *Mary*, by the Grace of God of *England*, &c. King and Queen, *Anno Dom.* 1692.

Sealed and Delivered
In the presence of

The Form of a Deed of Gift.

TO all Christian People to whom these Presents shall come, I A. B. of (*&c.*) Gent. send Greeting; Know ye, That I the said A. B. out of the great Love and Affection which I have and do bear unto C. D. of (*&c.*) have given, granted and confirmed, and by these Presents do fully, freely and absolutely give, grant, and confirm unto the said C. D. [or thus — Know

ye

ye that I the said A. B. for, and in consideration of the sum of Fifty Pounds, which I the said A. B. do owe and am indebted unto the said C. D. &c. have given, granted and sold, and by these presents do fully, clearly and absolutely give, grant, bargain, sell and confirm unto the said C. D. All and singular such my Goods, Chattels and Implements of Housholds and Commodities whatsoever as are contained and specified in a certain Schedule hereunto annexed, To have and to hold, all and singular the Goods, Chattels, Implements and Commodities whatsoever as aforesaid, to the aforesaid C. D. his Executors, Administrators and Assigns, to his and their own proper uses and behoofs forever, thereof, and therewith to do, use and dispose at his and their Will and Pleasure, as of his and their proper Goods and Chattels, without any manner of Challenge, Claim or Demand of me the said A.B. or of any other person or persons for me, in my Name, by my Cause, Means, Consent or Procurement: And I the said A. B. all and singular the said Goods, Chattels, Implements and Things whatsoever as aforesaid, unto the said C. D. his Executors, Administrators and Assigns against all People shall and will

Note these Deeds of Gift are not much looked upon in Law, otherwise than as colourably done to hinder Debts to be paid, &c.

A Warranty.

will warrant, and for ever defend by these Presents. Of all and every which said Goods, Chattels, Implements and Things as aforesaid, I the said A. B. have put the said C. D. in full and peaceable Possession by the Gift and Delivery of one Silver Spoon, which I the said C. D. the day of the date hereof, have given and delivered in the name of Possession and Seisin of all and singular the said Premisses.

In Witness, &c.

Sealed and Delivered, and Quiet Possession Given and Delivered by the said Silver Spoon, parcel of the said Premisses, according to the effect of this present Writing, in the presence of

Warrants of Attorney.

Warrant of Attorney to appear &c.

TO Mr. A. B. an Attorney of their Majesties Court of *King's Bench* at *Westminster*.

These are to desire and Authorize you to appear for me C. D. of, &c. in the said Court, in the suit of E. F. in an Action of Trespass (&c.) and to imparl unto the said Action, and afterwards to Plead, &c. And for your so doing, this shall be your sufficient Warrant. Witness my Hand and Seal this first day of *May*, 1692.

Note, you may also direct such a Warrant to 2 or 3, authorising them, either, or any of them.

Note, also the same form will serve for the *Common Pleas*, *mutatis mutandis*.

Warrant of Attorney to Confeſs a Judgment.

TO A. B. C. D. and E. F. Gent. Attornies of their Majeſties Court of *King's Bench* at *Weſtminſter*, or to any one of them, or to any other Attorney of the ſame Court.

Theſe are to deſire and authorize you, or any of you to appear for me G. H. of (*&c.*) in the ſaid Court at the ſuit of J. K. of (*&c.*) in *Trinity* Term now next enſuing, and to confeſs a Judgment againſt me unto him, for the ſum of One Hundred Pounds Debt, beſides Coſts of Suit by *Non ſum Informatus*, *Nil Dicit* or otherwiſe; and for your, or any of your ſo doing, this ſhall be to you, or any of you, a ſufficient Warrant, Witneſs my Hand and Seal, this firſt day of *May*, in the fourth Year of our Sovereign Lord and Lady King *William* and Queen *Mary*, *Anno Dom.* 1692.

The ſame Form may ſerve for the *Common Pleas*, *mutatis mutandis*.

Note, ſuch a Warrant is ſaid not to be good, unleſs ſome Attorney, or other ſufficient Clerk be preſent at the Sealing, *&c.*

The

The Form of a Will.

IN the Name of God Amen, I A. B. of C. in the County of D. Gent. being weak in Body, but of found and perfect Mind and Memory, Praiſe be to Almighty God, therefore do make and ordain this my preſent laſt Will and Teſtament, in Manner and Form following (that is to ſay) Firſt and Principally I commend my Soul into the Hands of Almighty God, hoping through the Merits, Death and Paſſion of our Bleſſed Savior Jeſus Chriſt to have full and free pardon and forgiveneſs of all my Sins, and to inherit Everlaſting Life. My Body I commit to the Earth to be decently Buried at the diſcretion of my Executor hereafter named. And as touching the Diſpoſition of all my Temporal Eſtate, I give and diſpoſe thereof as followeth. Imprimis I will that my Debts and Funeral Charges ſhall be paid and diſcharged. Item. I give and bequeath unto [here ſet down all the Legacies the Teſtator is minded to give, and then ſay] All the reſt and reſidue of my Perſonal Eſtate, Goods and Chattels whatſoever, I give and bequeath unto my loving [here name the Executor

or

or Executrix] whome I do hereby make and appoint full and whole Executor of this my Laſt Will and Teſtament. And I do hereby Revoke, Diſannul and make Void all former Wills and Teſtaments and heretofore made, either by word of mouth, or in Writing. In Witneſs whereof I the ſaid A. B. to this my Laſt Will and Teſtament, contain'd in one Skin of Parchment, have ſet my Hand and Seal, this Twenty Seventh Day of *May*, in the Year of our Lord One Thouſand Six Hundred Ninety Two.

Signed, Sealed, Publiſhed and Declared by the Teſtator, in the preſence of us whoſe Names are ſubſcribed as Witneſs, and attested by us in the preſence of the ſaid Teſtator.

I Note, where Lands are devided, great Care and Skill is required.

F I N I S.